

**REPUBLIC OF ALBANIA  
THE ASSEMBLY**

**LAW**

**No. 9087 dated 19 June 2003**

**THE ELECTORAL CODE OF THE REPUBLIC OF ALBANIA**

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**REPUBLIC OF ALBANIA  
THE ASSEMBLY**

**LAW**

**No. 9087 dated 19 June 2003**

**THE ELECTORAL CODE OF THE REPUBLIC OF ALBANIA**

In reliance on articles 81 and 83 section 1 of the Constitution, on the proposal of a group of deputies,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

PART ONE

**DEFINITIONS AND PRINCIPLES**

Article 1

**Purpose of this Code**

The purpose of this Code is the specification of rules:

- a) for voting in elections to the Assembly, to organs of local government and in a referendum;
- b) for the organization and functioning of the election commissions;
- c) for the preparation and revision of voter lists;
- ç) for the determination of electoral zones;
- d) for the registration of electoral subjects and their financing;
- dh) for the coverage of electoral campaigns by the media;
- e) for the organization and validity of referenda;
- ë) for procedures of voting and of issuing election results;
- f) for criminal and administrative violations of the provisions of this Code.

Article 2

**Definitions**

For purposes of this Code:

1. The “election date” is the date of voting determined by a decree of the President of the Republic.
2. “Special institutions” are prisons, places of pre-trial detention, hospitals or other healthcare institutions that accept patients for more than three days.
3. A “candidate” is an Albanian citizen registered with the electoral commissions as a candidate for deputy, or for mayor of a municipality or commune, or for a municipal or communal council, in accordance with this Code, who is to be voted on in the elections.

4. An “independent candidate” is a candidate for deputy, or for mayor of a municipality or commune, or for a municipal or communal council, who is not supported by any political party.
5. A “coalition” is a grouping of two or more political parties registered with the CEC that submit a candidate for deputy, a candidate for mayor of a municipality or commune, or a multi-name list for the elections to the Assembly or the municipal or communal council.
6. “VCC” is a Voting Center Commission.
7. “CEC” is the Central Election Commission, created according to article 154 of the Constitution.
8. “LGEC” is the Local Government Election Commission.
9. “ZEC” is the Zonal Election Commission.
10. “Voter lists” are official documents of the registration of voters for each polling unit provided in accordance with this Code.
11. A “multi-name list” is the list of candidates of a political party or coalition, which is approved by the CEC and serves for the election of candidates in the proportional system.
12. A “joint multi-name list” is a list of a coalition’s candidates, which appears as a single subject on the ballot paper.
13. A “composed multi-name list” of a coalition is a multi-name list that is composed of particular lists of the coalition parties, which appear separately on the ballot paper.
14. An “electoral unit” is either an electoral zone, or a municipality or commune in the case of local elections.
15. A “political party” is a party registered in accordance with law no. 8580, dated 17 February 2000, “On Political Parties.”
16. The “election period” is the period beginning 30 days before the election date and ending with the final announcement of the voting results.
17. A “representative of an electoral subject” is a person authorized by a candidate or a registered political party to represent their interests and to participate in meetings of electoral commissions, in the name of and on account of the candidate or the party.
18. A “voting center” is the premises designated for holding the voting, in accordance with this Code.
19. A “constitutional referendum” is a referendum held pursuant to section 4 or 5 of article 177 of the Constitution.
20. A “general referendum” is a referendum held pursuant to articles 150, 151 and 152 of the Constitution.
21. A “local referendum” is a referendum held pursuant to section 4 of article 108 of the Constitution.
22. “The National Registry of Voters” is an aggregate of the voter lists prepared in accordance with the respective rules in this Code.
23. “Revision of the lists” is the process of deleting or adding names, or changing the data, in the voter lists.
24. A “student” is any voter registered as a full-time student in an educational or vocational training program in Albania of at least three months duration and whose residence for purposes of this education or vocational training is a place other than his domicile.
25. “Electoral subjects” are political parties, coalitions registered with the CEC, their candidates as well as independent candidates registered with a ZEC or LGEC.
26. “Domicile” is the place where a voter is registered in the civil status register, according to the conditions of article 12 of the Civil Code.
27. “Residence” is the place within the territory of the Republic of Albania where the voter is temporarily located within the meaning of article 14 of the Civil Code.
28. A “voter” is each Albanian citizen with the right to vote.

29. "Voters in the armed forces or police forces" are all voters who serve in the armed forces or the police forces and reside in a military or police base.
30. "Elections" are the voting for the Assembly, for representative organs of local government or in a referendum.
31. "Partial elections" are the voting to fill the seat of an independent candidate elected in single-member zones or the seat of a mayor of a municipality or commune, as well as for the election of a new local council in case of dissolution.
32. "Polling Unit" is a geographical zone within a municipality, commune, or electoral zone established in accordance with this Code.
33. "Electoral zone" is one of the 100 geographical divisions of the territory of the Republic of Albania established in accordance with the Constitution and the rules of this Code, in which voting takes place for the election of a deputy.
34. "Final elections result" is the result declared by the CEC and which includes:
  - a) the voting results for candidates for deputy, mayor of a municipality or commune, who are directly elected in the respective electoral units;
  - b) the number of seats obtained by each political party or coalition, according to the calculations foreseen in this Code;
  - c) the voting result of a referendum, according to the provisions of part nine of this Code.

### Article 3

#### **General principles**

1. Elections are conducted through free, secret and direct voting, according to the rules provided in this Code.
2. Every Albanian citizen, without distinction of race, ethnicity, gender, language, political conviction, religious belief, or economic condition, has the right to vote and to be elected in conformity with the rules provided in this Code.
3. Voters freely exercise the right to vote in conformity with the rules provided in this Code.
4. Voters are equal in the exercise of the right to vote and to be elected.
5. The division of electoral zones is done by including in each one an approximately equal number of voters.
6. Each voter has the right to only one vote for the election of an electoral subject or referendum alternative, in accordance with the rules set forth in this Code.
7. Electoral subjects are free to make electoral propaganda in any lawful manner.
8. Electoral commissions provided in this Code fulfill their responsibilities in an impartial and transparent manner.
9. Ministries and other institutions of public administration have the obligation to guarantee the inviolability of the general principles stated in this article and to take all the necessary measures in order that the administration and conduct of free, fair, democratic, and transparent elections are not damaged or hampered by their activity.

### Article 4

#### **Subjects of the principle of inviolability of the electoral process**

The principle of the inviolability of the electoral process applies to all levels of institutions of public administration in Albania at national and local levels. This principle applies to all

employees or political officials during their activity in the name of and on behalf of the institution.

#### Article 5

##### **Prohibition on use of public resources in support of candidates, political parties, or coalitions**

1. Except as otherwise provided for by law, no resource of any ministry, or other institution of the public administration at a national or local level, can be used or applied in support of a candidate, political party, or coalition in an election.
2. For the purposes of this article, “resource” shall include tangible and intangible items as defined in article 142 of the Civil Code as well as every human resource of the institution. “Human resources” means the utilization of the administration of the institution during working hours for electoral purposes. The hiring, dismissal from employment, revocation of assignment, reassignment and transfer with the exception of justified cases, are also considered as activities of the institution of the public administration.

#### Article 6

##### **Appointment and duties of the liaison**

1. The administration of the Council of Ministers and the Prime Minister’s Office, all the ministries, prefectures and municipalities have the obligation, no later than 24 hours after the setting of the election day, to appoint a liaison responsible for the exchange of information with the CEC on activities that are related to the administration or conduct of free, fair and democratic elections.
2. A written notice of the appointment, including the liaison’s name, position or title, office address, and telephone and facsimile numbers shall be provided to the CEC concurrently with the appointment. If any of these institutions fails to appoint a liaison in accordance with the requirements of and within the time set in this article, then the head of the respective institution shall be deemed to have taken the function of the liaison.
3. The liaison shall provide the CEC with complete written information on orders of the head of the institution for every activity that might affect or damage the administration or conduct of free, fair, democratic and transparent elections. This information shall be provided in writing to the CEC no later than 10 days before the activity is scheduled to commence.
4. The liaison shall have access to the highest level of the institution for the purpose of exchanging information with the CEC.
5. If the CEC determines that the activity of the institution is likely to damage or hamper the administration or conduct of free, fair, democratic and transparent elections, then the CEC shall inform in writing the appropriate liaison no later than 5 days before the activity is scheduled to commence.

## Article 7

### **Setting the Election Date**

1. The date of the elections is set by a decree of the President of the Republic, according to the rules provided in articles 65, 109, 115, 151 section 3, 152 section 3 and 170 section 6 of the Constitution of the Republic of Albania.
2. For the purposes of this code, the mandate of the Assembly expires on the same day of the same month, of the fourth year after the date of its inaugural meeting. The mandate of local government organs expires on the same day of the same month of the third year after the date of the declaration by a CEC decision at a national level of election results for local government organs.
3. The President of the Republic sets the date of the general elections no later than 75 days before the expiration of the mandate of the Assembly. With the decision of the Assembly, the closing of the legislative session and the legislature's dissolution take place no earlier than 45 days from the date set for the elections and no later than 3 days prior to this date.
4. In compliance with article 87 of the Constitution, the President of the Republic sets the date for the elections no later than 10 days after the Assembly's dissolution. The Assembly is self-dissolved on the day of the fifth vote when it fails to elect a new President according to section 7 of article 87 of the Constitution.
5. In compliance with section 4 of article 96 of the Constitution, when the Assembly fails to elect a new Prime Minister, the President of the Republic decrees the dissolution of the Assembly no later than 24 hours after the vote contemplated in section 3 of the same article. The President sets the date of elections no later than 10 days after the Assembly's dissolution. Elections take place within 60 days after the dissolution of the Assembly .
6. When the Assembly is self-dissolved for reasons other than those mentioned in sections 3, 4 and 5 of this article, the President of the Republic sets the date of the elections no later than 10 days after its dissolution. The Assembly is dissolved on the day of its voting for self-dissolution. Elections shall take place within 60 days after the dissolution of the Assembly.
7. In any case, the elections for the Assembly shall take place on the Sunday nearest to the forty-fifth day after the date of the decree setting the election date.
8. The elections for the organs of local government are held 60 to 30 days before the end of the mandate of the existing local organs, or no later than 45 days after their dissolution or discharge. In case of an appeal by the dissolved or discharged organ, the President of the Republic sets the date of elections no later than 45 days after the decision of the Constitutional Court. In the case of non-exercise of the right to appeal by the organ of local government dissolved or discharged, the President of the Republic sets the date of the elections no later than 30 days after the end of the time period for an appeal contemplated in article 115 section 3 of the Constitution. The other time limits are applied in an analogous manner.
9. The presidential decree setting the date of elections contains the date and the type of the elections.

## Article 8

### **Voting Hours**

1. When the date of the elections is on or between March 31 and October 15, the voting centers open at 7<sup>00</sup> and close at 19<sup>00</sup>.
2. When the day of elections is on or between October 16 and March 30, the voting centers open at 7<sup>00</sup> and close at 18<sup>00</sup>.
3. No one may vote after the closing time of the voting centers, except voters who are waiting to vote at the time of closing.

## PART TWO

### **VOTERS, ELECTORAL SUBJECTS, AND OBSERVERS**

#### CHAPTER I

##### VOTERS

###### Article 9

###### **Conditions for being a voter**

1. Every Albanian citizen who has reached the age of 18 on or before the election date, and who fulfills the conditions provided in this Code, has the right to vote in elections to the Assembly, to local government organs and in referenda.
2. Citizens declared by final judicial decision as incapable of acting because of mental incapacity are excluded from the right to vote.

###### Article 10

###### **Voting place**

Voters vote in the voting center in the zone where they are registered on the voter list.

###### Article 11

###### **Voters who live in another state**

Voters who live in another state have the right to vote only in the territory of the Republic of Albania in accordance with the procedures provided in this Code.

###### Article 12

###### **Voters in Special Locations**

Voters who, on the date of the election, are residing in special institutions, military bases or police bases, as well as students, vote in accordance with the rules provided in this Code.

#### CHAPTER II

## CANDIDATES

### Article 13

#### **Conditions for Being a Candidate**

1. In addition to the conditions for being a voter, a candidate also must meet the conditions of section 3 of article 45 and article 69 of the Constitution.
2. A candidate for local government organs, in addition to the conditions provided in article 45 of the Constitution, shall be a citizen domiciled in the respective local government unit. A candidate for the organs of local government may not be a deputy in the Assembly or a candidate for deputy.
3. The candidates of the party lists deposited with the electoral commissions shall meet the conditions contemplated in sections 1 and 2 of this article.

### Article 14

#### **Filling Vacancies in the Elected Organs**

1. When the seat of a deputy in the Assembly is vacant, it is filled by a new member.
2. When the mandate of a deputy elected from the multi-name list of an electoral subject ends prematurely, his seat is filled by the next candidate on the list.
3. When the mandate of a deputy elected in a single-member zone ends prematurely, his seat is filled by the next candidate in the multi-name list of the respective electoral subject. If the mandate of an independent deputy ends prematurely, the vacancy is filled by a new deputy elected by the voters of the same electoral zone. In any case, the President of the Republic, on the basis of immediate notification by the Speaker of the Assembly, sets by decree a date for partial elections in that zone, no later than 45 days from the receipt of the notification. The deputy elected to fill a vacant seat serves until the end of the mandate of the deputy who left.
4. When the seat of a mayor of a municipality or commune is vacant, the Council of Ministers informs the President of the Republic within two weeks. The President of the Republic sets the date of partial elections for the election of a new mayor of the municipality or commune within 45 days from the date of notification. When the seat of a council member in the municipality or commune becomes vacant, it is filled by the next candidate of the respective multi-name list.
5. If the seat of a mayor of a municipality or commune becomes vacant during the last 6 months of his mandate, the respective council elects from among its members a new mayor to serve until the end of the mandate.
6. Partial elections are held according to the same procedure as general elections.

## CHAPTER III

### POLITICAL PARTIES

#### Article 15

#### **Registration of Political Parties**

1. Each political party that nominates candidates for deputy, candidates for mayor of a municipality or commune or for council members of a municipality or commune, in compliance with the procedures contemplated in this Code, is to be registered with the CEC as an electoral subject no later than 40 days prior to the day of elections. Political parties or coalitions whose member parties have obtained jointly more than 20% of the votes in the previous general elections, have the obligation to nominate candidates in all 100 electoral zones.
2. To register with the CEC, a political party shall submit:
  - a) verification that the party is registered with the Tirana District Court;
  - b) the name, surname and address of the chairman of the party, who is the person authorized to nominate candidates;
  - c) the official name, initials and address of the party;
  - ç) a copy of the party's seal;
  - d) the name and address of the financial officer of the party;
  - e) the name and address of the person responsible for communication with the CEC.

## Article 16

### **Electoral coalitions**

1. Two or more political parties registered with the CEC according to article 15 of this Code may be registered as an electoral coalition with the CEC by submitting, 35 days prior to the date of elections, the respective coalition agreement. The agreement must define whether the parties composing the coalition will appear separately in the proportional voting, or the coalition will appear as a single subject.
2. Within the time limit provided by article 78 of this Code, the registered coalitions shall deposit the multi-name lists with the CEC, in accordance with articles 84 and 85 of this Code.
3. Coalition agreements are implemented directly by the CEC when they include:
  - a. the date of establishment, data on the composition and the coalition name;
  - b. a composed multi-name list when parties in coalition appear separately on the ballot paper, or a joint multi-name list in case the coalition appears as a single subject;
  - c. the formula for the distribution of votes among the parties that are members of a coalition, in case a coalition appears as a single subject on the ballot paper. The formula for distribution of votes is not valid for the purpose of calculating the compensatory mandates.
4. Political parties cannot participate in more than one coalition.

## Article 17

### **Identification of electoral subjects**

If two political parties or coalitions have names, initials or logos that are the same, or similar to an extent that may create confusion or mislead the voters, then the CEC decides which party or coalition has the right to use the respective name, initials or logo for electoral purposes, taking into consideration the date of the legal foundation of parties or that of the

first registration of a coalition with the CEC. In order to establish the date of the first registration of coalitions, the CEC shall refer also to past elections.

## CHAPTER IV

### OBSERVERS

#### Article 18

#### **The Right to Appoint Observers**

1. Albanian and foreign non-governmental organizations, as well as international organizations specialized and engaged in the protection of human rights, representatives of foreign countries and of the media have the right to send observers to the elections.
2. The accreditation is made on the basis of individual data for each observer and for an electoral territory, which may include one or more voting centers, or one or more electoral units. An organization shall not have more than two observers at the same time in a voting center.
3. Every Albanian or foreign citizen of voting age who meets the requirements for being a voter and who is proposed by a subject contemplated in section 1 of this article has the right to be an observer.
4. Requests for accreditation from Albanian citizens are submitted to the CEC no later than 15 days before the election day. The CEC approves the requests no later than five days after their submission. An appeal against the refusal to grant accreditation can be filed according to the procedures contemplated in this Code. The requests of foreign observers are to be submitted no later than 48 hours before election day.

#### Article 19

#### **The Rights and Duties of Observers**

1. While performing their duties, observers have these rights:
  - a) to observe without hindrance all aspects of the preparation and conduct of elections;
  - b) to submit written comments to the election commissions for every kind of irregularity that they notice;
  - c) to look at or examine the documentation or materials of the electoral process.
2. The observers have these duties:
  - a) to respect the requirements of this Code and the instructions of the CEC on election observation;
  - b) to act in an impartial manner and not to make propaganda for any candidate, party, coalition or referendum alternative at the voting centers or at other places prohibited according to this Code;
  - c) to present themselves at the election commissions with the authorization issued by the CEC and an identification document accepted by the CEC;
  - ç) not to bear distinctive signs that serve as means of propaganda or that might influence the voters' will;
  - d) not to violate the right of the voter to a secret ballot and not to hamper the process of voting and the administration of the election.

## PART THREE

### ORGANIZATION AND FUNCTIONING OF THE CEC

#### CHAPTER I

##### THE CENTRAL ELECTION COMMISSION (CEC)

###### Article 20

###### **Criteria for membership of the CEC**

1. Every Albanian citizen eligible to vote and who meets the requirements of this article can be selected as a member of the CEC.
2. A member of the CEC should meet the following requirements:
  - a) to have higher education;
  - b) not to have been convicted of a crime by a final court decision;
  - c) not to have been a member of the steering organs of any political party at the central and local level during the last 5 years;
  - ç) not to have been a member of the State Information Service or of the State Police in the last 5 years;
  - d) not to have been dismissed from the public administration for a violation of the law.
3. A member of the CEC must have a working experience of no less than 5 years:
  - a) in the field of law;
  - b) in public or electoral administration;
  - c) in associations and non-profit organizations that operate in the field of the protection of human rights;
  - ç) in public relations;
  - d) in statistics;
  - e) in political science.

###### Article 21

###### **General principles for the election of CEC members**

1. Members of the CEC are selected pursuant to article 154 of the Constitution. The members of the CEC collectively shall satisfy, at all times, the requirements of article 20 of this Code.
2. The members of the CEC have a 7-year mandate and can be re-elected only once.
3. The beginning and the end of the mandate of CEC members are determined in this Code.
4. Membership in the CEC is incompatible with any other state or political activity

###### Article 22

###### **The procedure of the election of the CEC members**

1. The Assembly of Albania elects two members of the CEC upon the respective proposals from the left and right spectrum of its political composition, excluding the largest political party of either political spectrum. The number of candidates presented to the Assembly of Albania shall not be more than two for each vacancy. The candidacies within the groups are selected with consensus or according to the number of supporting votes of the deputies belonging to the same spectrum as the proposing party, excluding the largest political party of the respective spectrum. A deputy cannot support more than one list of candidates. The proposed candidates are presented to the Assembly by the Speaker.
2. The President of the Republic appoints two members of the CEC upon the respective proposals of the two largest political parties of the majority and the opposition. The number of the proposed candidates is not higher than two for each vacancy in the CEC.
3. The High Council of Justice selects three members of the CEC according to this procedure:
  - a) two members of the CEC are approved from among two candidates for each vacancy proposed respectively from the two largest parties;
  - b) the third candidate is selected by the High Council of Justice according to this procedure: the two largest parliamentary groups propose four candidates who are jurists by profession. Each of the parliamentary groups selects two of the four candidates from the other group. The four selected candidacies are voted on by the High Council of Justice no later than 48 hours after having been deposited;
  - c) the High Council of Justice decides with two-thirds of the votes of all its members;
  - ç) in the case that none of the candidates obtain the required majority, a second round takes place on the same day, between the two candidates who received the highest number of votes in the first round;
  - d) if, in the second round as well, no candidate obtains two-thirds of the votes of all members of the High Council of Justice, a third round takes place on the same day, between the candidates of the second round. In the third round, the candidate who obtains 50% plus one of the votes of all members of the High Council of Justice wins.

## Article 23

### **The immunity, rights and duties of a member of the CEC**

1. A CEC member may be criminally prosecuted only with the approval of the Assembly.
2. A CEC member may be detained or arrested only if apprehended while committing a crime or immediately after its commission. The competent organ shall notify the Constitutional Court immediately. If the Constitutional Court does not consent within 24 hours to bring the arrested member of the CEC before a Court, the competent organ is obliged to release him.
3. CEC members enjoy the salary and privileges of a High Court judge. The salary of the Chairman and the Deputy Chairman is ten percent higher than a CEC member salary.
4. A CEC member exercises his function in an independent manner and votes freely following his convictions.
5. A CEC member should participate at the CEC meetings and be present at work every day.
6. During a vote, a CEC member can only vote “in favor” or “against” and cannot abstain.
7. A CEC member is required to know, respect and implement the decisions, instructions and other acts of the CEC anywhere and under any circumstance.

## Article 24

### **Dismissal of a CEC member**

1. A CEC member can be dismissed in the following cases:
  - a) for violation of the Constitution;
  - b) for mental or physical disabilities that impede the accomplishment of his duties;
  - c) for behavior and acts that seriously discredit the position and the image of the CEC member;
  - ç) when he is sentenced by a final court decision for committing a crime;
  - d) when he is absent in two consecutive CEC meetings without any reasonable motive;
  - dh) when he is absent from work for more than two days during the election period;
  - e) when he is absent from work for more than 6 months without any reasonable motive;
  - ë) when he fails to meet the requirements of article 20 of this Code regarding citizenship and residence;
2. The dismissal of the CEC member can be proposed by 33 deputies or by the CEC.
3. A CEC member is dismissed by the Assembly with two-thirds of the votes of all its members.
4. An appeal against the decision to dismiss can be filed with the Constitutional Court within 5 days after the decision of the Assembly. The Constitutional Court shall reach a decision not later than 10 days from the filing of the appeal.

## Article 25

### **The premature end of the mandate of a member of the CEC**

1. The mandate of a member of the CEC ends before the deadline in cases when:
  - a. he resigns,
  - b. he is dismissed.
2. In these cases, the CEC Chairman informs no later than 24 hours the body that elected the member. The respective competent body must publicly announce that the position is vacant after receiving the information by the CEC Chairman or Deputy Chairman no later than 48 hours from the termination of the mandate of the CEC member elected by it.
3. The CEC member who replaces the member who left the position as provided under this article remains in office for the remaining period of the mandate of the leaving member and can be re-elected for only one other mandate.

## Article 26

### **Renewal of the composition and replacement of members of the CEC**

1. The mandate of a CEC member ends on the same date of the same month of the seventh year after the date of his election.
2. New members replacing the members whose mandates have expired according to section 1 of this article and article 25 of this Code, are elected not later than 30 days from the date of

the end of the mandate. During an electoral period, the replacement is done not later than 5 days from the date of the end of the mandate.

## Article 27

### **CEC Chairman and deputy Chairman**

1. The chairman is elected by a secret ballot by the CEC according to this procedure:
  - a) the seven names of the CEC members are written on seven ballot papers;
  - b) each of the members votes making the respective mark for one of the names that are in the ballot papers.
  - c) a member who has received five votes is considered to be elected chairman.
  - ç) in case none of the members has obtained the required number of votes, a second vote takes place between the two candidates who received the largest number of votes.
  - d) in case that in the second vote as well, none of the candidates receives five votes, then the member who has received the largest number of votes will perform the functions of the chairman for a period of not longer than six months.
  - dh) at the end of this period, a new vote takes place. In this vote the CEC member elected as chairman should receive five votes. In case none of the members receive the required number of votes, a second round of voting takes place among the members who have received the largest number of votes. In the second round, the member who receives the largest number of votes is elected chairman.
2. The CEC chairman is elected for a period of 3.5 years, with the right to be re-elected and this is included in his mandate as a member.
3. The CEC deputy chairman is elected by secret ballot from among the CEC members proposed by the opposite political spectrum of that of the chairman and according to the following procedure:
  - a) the names of members are written on a ballot paper according to section 3 of this article.
  - b) each of the members votes by making the respective mark for one of the names listed on the ballot paper.
  - c) the member who has received the majority of votes of all the members is elected deputy chairman of the CEC.
  - ç) in case none of the members receives the required majority of votes, a second round of voting takes place between the two candidates who received the largest number of votes. The member who receives the largest number of votes during the second round is elected CEC deputy chairman.
4. The deputy chairman is elected for a period of 3.5 years, with the right to be re-elected and this is included in his mandate as member.
5. The meeting for the election of the chairman, in case the deputy chairman is missing, is chaired by the CEC member with the highest age and the election procedures are performed in the presence of a notary.
6. The chairman and the deputy chairman can be dismissed upon the proposal of two CEC members and when not fewer than five CEC members vote. The vote is by secret ballot.

## Article 28

## **The rights and duties of the chairman and deputy chairman of the CEC**

1. The CEC chairman has the following competencies:
  - a) chairs the CEC meetings and supervises the preparation of the materials that will be examined at the CEC meeting;
  - b) on the proposal of the secretary of the CEC, appoints and dismisses high level CEC administrative staff and, based on the decisions of the CEC and upon the proposal of the Secretary, appoints and dismisses temporary administrative personnel;
  - c) issues internal orders;
  - ç) directs the everyday activity of the CEC;
  - d) represents the CEC in relations with third parties;
  - dh) accomplishes other duties as provided in this code;
2. The deputy chairman performs the duties of the chairman when the latter is absent.

### Article 29

## **The competencies of the CEC**

In compliance with article 153 of the Constitution, the CEC performs the following duties:

1. Within its jurisdiction, issues decisions and instructions with general juridical power in the whole territory of the Republic of Albania, based on and for the implementation of the law;
2. Makes decisions for the unification of electoral practices;
3. Through its structures directs and checks the pre-electoral and electoral process;
4. Declares through a decision the final result of the elections at a national level, based on the results announced by the ZEC, or in certain cases the LGEC, and after the examination of appeals in the court has been completed. The declaration is made no later than 3 days from the date when the CEC receives all the official data from the election commissions and the court decisions as provided in this Code. The decision is published in the Official Journal no later than three days after its issuance;
5. Announces the winning candidates from the multi-name lists for deputy;
6. Issues sub-statutory acts for regulating the voter registration process, supervises this process, verifies the accuracy of the data and administers the National Registry of Voters in accordance with the rules provided in this Code;
7. Implements voter education programs for citizens and training of members of election commissions;
8. Appoints and dismisses, in accordance with this Code, ZEC and LGEC members and supervises them in the accomplishment of their duties;
9. Publishes the election bulletin, which contains the results of elections for each electoral unit and voting center, as well as a report on electoral expenses;
10. Presents an annual report on the activity of the previous year to the Assembly, by the month of February of each year;
11. Prepares the annual draft budget according to the respective law for the functioning of the institution and, after the approval by law of the budget, defines in a general manner the structure of the budget expenses;
12. Prepares the draft budget for the up-coming elections and administers funds allocated from the state budget and from other lawful sources for purposes of the election, by deciding on the structure of budget expenses and various donations for the elections.

13. Examines and resolves the claims of electoral subjects on the conduct of the electoral process, in accordance with the rules of this Code;
14. Compiles and distributes the electoral complaint forms, including court appeals, in accordance with the rules provided in this Code;
15. Determines the amount of remuneration for non-voting members and representatives on the electoral commissions;
16. Applies administrative sanctions against persons who commit administrative infractions, as well as files criminal charges for criminal offences related to the elections;
17. Approves the structure, personnel needs and the salary structure of the CEC administration;
18. In certain periods, may decide to employ on a temporary and part-time basis, employees of different levels;
19. Approves the regulations for its organization and functioning;
20. Performs other duties stemming from this Code or from other laws.

## Article 30

### **CEC meetings and decision-making**

1. CEC meetings are called by the chairman and deputy chairman or by at least two members. In every case, the notice for meeting should also include the agenda of the meeting.
2. The notice for the meeting together with the agenda are to be published in no fewer than two newspapers with the largest circulation and is publicly posted at the entrance of the CEC headquarters.
3. During the electoral period and until the declaration of the final result, the CEC remains in session according to a pre-determined and published time-table.
4. Meetings of the CEC are valid when attended by no fewer than four CEC members.
5. Normative acts, the registration of the candidates and subjects, the declaration of election results and winners, as well as decisions related to complaints regarding the declaration of results are approved when no fewer than five members vote in favor. Every other decision is taken by a simple majority of the votes. Decisions are necessarily to be signed by the chairman and the deputy chairman and by all the members who are willing to sign. Decisions are accompanied by the minority opinion.
6. Meetings are chaired by the chairman of the CEC.
7. Only members of the CEC, representatives of political parties to the CEC and other persons connected to the preparation and administration of the elections, with the permission of the CEC, have the right to discuss, give opinions and make proposals at CEC meetings.
8. Members in a minority must submit their opinion in writing no later than two days from the date of the decision.
9. When, due to various reasons, the meeting can not proceed normally, the chairman and deputy chairman have the right to suspend its continuation for up to 24 hours.
10. Meetings of the CEC are open to the public, except for cases when issues related to the CEC administration are discussed.

## Article 31

### **CEC acts and their entry into force**

1. Based on and for the implementation of the law, the CEC can issue only these acts:
  - a) decisions;
  - b) instructions.
2. Every normative act of the CEC is voted on three times, in the following order:
  - a) it is voted on in principle;
  - b) it is voted on article by article or, as appropriate, section by section;
  - c) at the end, it is voted on as a whole.
3. Acts of the CEC that can be considered normative and the decision for issuing the final election results enter into force immediately and are published in the Official Journal.

#### Article 32

### **The CEC secretary and administration**

1. For its functioning and the fulfillment of its duties stemming from the Constitution and this Code, the CEC has its own administration composed of civil servants.
2. The secretary of the CEC is the highest ranking civil servant in the administration of the CEC and is appointed by decision of the CEC.
3. The secretary of the CEC should have no less than five years of work experience in the area of law or of public administration.
4. The secretary of the CEC performs the following duties:
  - a) is responsible for the functioning of the administration of the CEC;
  - b) takes measures for the organization of the meetings of the CEC, prepares relevant materials under the supervision of the chairman and makes relevant notifications;
  - c) takes measures for the publication of normative acts of the CEC and for distributing them to the public;
  - ç) follows up on the implementation of decisions and other juridical acts of the CEC;
  - d) takes measures for providing working conditions for members of the CEC;
  - dh) pursues the implementation of the budget and takes the measures relevant to it.
  - e) performs other tasks as provided for in this Code.

#### Article 33

### **Representatives of political parties to the CEC**

1. Each political party may appoint only one representative to be present at the CEC.
2. The representatives of political parties to the CEC are appointed by the chairman of the party.
3. The representatives of the seven political parties that hold the largest number of the seats in the Assembly have a permanent status at the CEC. They are entitled to participate in all the meetings organized by the CEC, even outside the election period.
4. Other political parties may appoint their temporary representative to the CEC no earlier than 150 days and no later than 40 days prior to election day and up to the declaration of the final result.
5. Representatives of political parties have no right to vote. They have the right to attend the open meetings of the CEC, to discuss and present proposals and requests, to receive

copies of CEC acts, to request information on all aspects of CEC activity and to observe them.

6. Representatives of political parties are obliged to respect the Regulations of the CEC and the ethics of the institution.

## CHAPTER II

### ZONAL ELECTION COMMISSIONS (ZEC)

#### Article 34

#### **Composition of the ZEC**

1. A ZEC is composed of seven members, who are appointed according to the following procedure:
  - a) Two of the members are proposed by the main governing party, two members are proposed by the main party of the parliamentary opposition and two members are proposed respectively by the second party of the governing political spectrum and by the second party of the opposition political spectrum;
  - b) The seventh member of half of the ZECs is proposed by the main ruling party, while the seventh member of the other half is proposed by the main party of the parliamentary opposition. The respective ZECs are established by the CEC according to objective criteria based on:
    - i. random selection;
    - ii. equal distribution in the electoral territory.
  - c) The chairman and deputy chairman of the ZEC are selected by the CEC upon the proposal of the ZEC. In those ZECs where the seventh member belongs to the main governing party, one of the members of the ZEC representing the main ruling party is elected chairman, while the chairman of the other half is elected from the members of the ZEC representing the main party of the parliamentary opposition. The deputy chairman is of the opposite political affiliation to that of the chairman.
2. The secretary of a ZEC is appointed by the CEC upon the proposal of the ZEC for a period of time determined by the CEC. The secretary of a ZEC shall be a jurist and has the status of a non-voting member of the ZEC.
3. Members of a ZEC may not be deputies or candidates for the Assembly, part of the representative organs of local government, or members of more than one ZEC. Members of the ZEC may not be military personnel or members of structures of the State Police or the State Information Service.
4. Members of the ZEC shall have higher education and may not have been convicted of a crime by a final court decision.
5. Members of the ZEC shall have a domicile or a registered residence in the respective electoral zone.
6. The ZEC is a permanent organ, but its members do not work full-time. The CEC determines the working hours of the ZEC members during the election period and outside of it.
7. Every political party registered with the CEC as an electoral subject that does not have a member in the ZEC in accordance with section 1 of this article has the right to designate

- one non-voting representative to the ZEC after nominating a candidate for the single-member zone or candidates on a multi-name list.
8. Independent candidates in the respective zone have the right to designate one non-voting representative each to the ZEC.
  9. If a political party represented on the ZEC does not nominate a candidate in that zone and has not submitted a multi-name list for the current election, that party relinquishes its seat on the ZEC.
  10. The ZEC is re-established in accordance with the results of the last elections to the Assembly no later than one month after the declaration of the final results of these elections by the CEC.
  11. If the CEC establishes that the candidates for ZEC members meet the requirements of this article, it decides on the nomination of the members not later than 15 days from the submission of proposals.
  12. If the political parties of both groups that have the right to submit their candidates for the ZEC do not exercise this right by the deadline in section 10 of this article, this right is automatically transferred to those parties that come below the first group based on their number of seats in the Assembly.
  13. When the seat of a member of the ZEC is vacant, it is filled in compliance with the rules provided in this article within 30 days from the date of creation of the vacancy. During the period of the elections, vacant seats are filled within three days.

#### Article 35

##### **Non-Voting Representatives**

1. Non-voting representatives to a ZEC are provided with an authorization by the party or independent candidate.
2. The representatives to the ZEC have the same rights as the representatives of the parties to the CEC according section 5 of article 33 of this Code.

#### Article 36

##### **Discharge of ZEC Members**

The members of a ZEC are discharged by the CEC when they do not fulfil the duties provided for in this Code and in the normative acts of the CEC, as well as for the same reasons that lead to the dismissal of members of the CEC.

#### Article 37

##### **Duties of the ZEC**

A ZEC is responsible for the conduct of elections to the Assembly within its respective electoral zone and performs these duties:

1. It is responsible for the administration of the elections in the zone in accordance with the provisions of this Code and the sub-statutory acts issued by the CEC.
2. It sets polling unit boundaries, in cooperation with the local government organs and in accordance with CEC instructions.
3. It establishes the location of each voting center and assigns numbers to each of them.

4. It appoints the chairman, vice chairman and members of the VCCs in accordance with this Code.
5. It verifies the documentation of the candidates.
6. It examines complaints of electoral subjects concerning the conduct of elections in the zone, makes decisions on issues within its area of competence and forwards to other organs issues within these other organs' area of competence.
7. It posts in a visible place the voter lists, the decree setting the election date and other data related to the conduct of elections in the zone.
8. It administers the budget allocated by the CEC for elections in the zone.
9. It assures the timely distribution of voting materials.
10. It receives the voting materials and ballot boxes submitted by VCCs.
11. It prepares the tabulation of election results in the zone and sends it together with other necessary materials to the CEC pursuant to article 110 of this Code.
12. It declares the results of the elections in the zone and the winning candidate.
13. It administers partial elections in the zone.
14. It organizes and conducts the recount of the votes.

#### Article 38

##### **Meetings and Decisions of the ZEC**

1. Meetings of a ZEC are public, except as provided in article 110 of this Code.
2. Decisions of a ZEC related to the registration of candidates and to the declaration of results and winners, are taken by a two-thirds vote of all the ZEC members. Other decisions are made by a majority vote, with the presence of more than half of the members entitled to vote.
3. Decisions shall be signed obligatorily by the chairman and the deputy chairman. Decisions are accompanied by the opinion of the minority. Each of the members of the commission, beside his signature declares his vote "in favor" or "against".
4. In case the ZEC fails to reach a decision, the case is sent immediately for examination to the CEC, whose decision is implemented by the ZEC. The CEC decides in conformity with article 30, section 5 of this Code.

#### Article 39

##### **Actions of a ZEC after issuance of the decree setting the date of elections to the Assembly**

After the decree setting the date for elections comes out, the ZEC publishes it immediately in the local press and electronic media and posts it at the municipality or commune offices and at the civil status offices of the zone. Together with the election decree, the ZEC also publishes the location of all voting centers in the zone, the hours of voting, the names of all the members of the ZEC and its secretary, the address of the office of the commission, its telephone and fax number, and a map of the electoral zone on which every voting center is indicated. The ZEC publishes all other documentation that should be made public in accordance with this Code and the instructions of the CEC.

### CHAPTER III

## LOCAL GOVERNMENT ELECTION COMMISSION (LGEC)

### Article 40

#### **Composition of the LGEC**

1. An LGEC consist of seven members who are appointed according to the following procedure:
  - a) Two of the members are proposed by the main ruling party, two members are proposed by the main party of the parliamentary opposition and two members are proposed respectively by the second party within the ruling political spectrum based on the number of votes obtained during the last local governmental election and by the second party within the political spectrum of the opposition based on the number of votes obtained during the last local governmental election.
  - b) In half of LGECs, the seventh member is proposed by the main governing party, and in the other half by the main party of the parliamentary opposition. The respective LGECs are established by CEC according to objective criteria based on:
    - i. random selection;
    - ii. equal distribution in the electoral territory;
  - c) The chairman and deputy chairman of the LGEC are selected by the CEC upon the proposal of the LGEC. In those LGECs where the seventh member is selected by the main governing party, the chairman is selected from among the members of LGEC representing the main governing party, and in the other half a representative of the main party of the parliamentary opposition. The deputy chairman is of the opposite political affiliation to that of the chairman.
2. The secretary of an LGEC is appointed by the CEC on the proposal of the LGEC, for a period of time determined by the CEC. The secretary of an LGEC shall be a jurist and have the status of a non-voting member of the LGEC.
3. Members of an LGEC may not be deputies or candidates for the Assembly, part of the representative organs of local government, or members of another LGEC. Members of the LGEC may not be military personnel or members of the structures of the State Police or the State Information Service.
4. Members of the LGEC shall, as a rule, have higher education and may not have been convicted of a crime by a final court decision.
5. Members of the LGEC shall have a domicile or registered residence in the respective local unit.
6. The LGEC is a permanent organ, but its members do not work full-time. The CEC determines the working hours of the members of the LGEC during the election period or outside of it.
7. Political parties registered with the CEC as electoral subjects, that do not have a member in the LGEC in accordance with section 1 of this article, have the right to designate one non-voting representative each to the LGEC after nomination of their candidate for mayor of a commune or municipality, or multi-name list candidates for the local council.
8. Independent candidates in a commune or municipality have the right to name one non-voting representative each to the LGEC.
9. If a political party represented in the LGEC does not nominate a candidate for mayor of a commune or municipality and has not submitted a multi-name list for the local council, it relinquishes its seat on the LGEC.
10. The LGEC is re-established in accordance with the results of the last elections to the

local council no later than one month after the declaration of the final results of the local elections by the CEC.

11. When the seat of a member of the LGEC is vacant, it is filled in compliance with the rules provided in this article within 30 days from the date of creation of the vacancy. During the election period, vacant seats are filled within three days.

#### Article 41

##### **Non-Voting Representatives**

1. The non-voting representatives to the LGEC are provided with an authorization by the party or independent candidate.
2. The representatives to the LGEC have the same rights as the representatives of the parties to the CEC, in accordance with section 5 of article 33 of this Code.

#### Article 42

##### **Discharge of Members of the LGEC**

The members of an LGEC are discharged by the CEC when they do not fulfil the duties provided for in this Code and in the normative acts of the CEC, as well as for the same reasons that lead to the discharge of a member of the CEC.

#### Article 43

##### **Duties of an LGEC**

An LGEC performs these duties:

1. It is responsible for the administration of the elections for the organs of local government; it is responsible for posting, revising, and approving the preliminary voter lists of the respective municipality or commune, according to the rules provided in this Code and the instructions of the CEC.
2. It sets the polling unit boundaries in the municipality or commune in cooperation with the organs of local government.
3. It performs in an analogous manner the same duties that this Code contemplates for a ZEC.
4. In case of parliamentary elections, it sends the revised voter lists to the ZEC.

#### Article 44

##### **Meetings and Decisions of the LGEC**

1. Meetings of the LGEC are public, except as provided in article 110 of this Code.
2. Decisions in an LGEC related to the registration of candidates, the revision and approval of preliminary voter lists, and the declaration of results and winners, are taken by two-

thirds of the votes of all the LGEC members. Other decisions are adopted by majority vote with the presence of more than half of the LGEC members entitled to vote.

3. Decisions must necessarily be signed by the chairman and the deputy. Decisions are accompanied by the opinion of the minority. Each of the LGEC members beside his signature declares his vote “in favor” or “against”.
4. In case the LGEC fails to reach a decision, the case is sent immediately for examination to the CEC, whose decision is implemented by the LGEC. The CEC decides in conformity with article 30, section 5 of this Code.

## CHAPTER IV

### VOTING CENTER COMMISSION (VCC)

#### Article 45

##### **Composition of the VCC**

1. For parliamentary elections, the VCC is composed in accordance with the manner and the criteria provided by the article 34 of this Code. For local government elections, the VCC is composed in accordance with the manner and criteria provided by article 40 of this Code.
2. The secretary of the VCC is appointed by the ZEC or, as appropriate, the LGEC. The secretary has the status of a non-voting member of the VCC.
3. Members of the VCC may not be deputies or candidates for deputy to the Assembly or for the elected organs of local government, or members of another VCC. The members of the VCC may not be military personnel or employees of the structures of the State Police or the State Information Service.
4. Members of the VCC must not have been convicted of a crime by final court decision.
5. Members of the VCC must have a domicile and registered residence in the respective election unit.
6. The members of the VCC are appointed only for the period of the elections. The appointment of the members is done in every case no later than 10 days before the date of the elections.
7. Political parties registered with the CEC as electoral subjects that do not have a member in the VCC in accordance with section 1 of this article have the right to designate a non-voting representative who has the rights specified in part seven of this Code.
8. Independent candidates have the right to designate one non-voting representative each to the VCC.
9. When the seat of a member of the VCC is vacant, it is to be filled within three days.

#### Article 46

##### **Duties of a VCC**

1. VCCs are set up and function for every kind of election.
2. Members of the VCC are responsible for the conduct of the elections in the voting center, while performing the duties prescribed in this Code.

## Article 47

### **Reaching Decisions in the VCC**

1. Decisions in the VCC are taken by a majority vote in the presence of more than half of all voting members of the VCC. Decisions in the VCC, according to letter (e) of article 109, are taken when no fewer than five members vote “in favor”.
2. Decisions must necessarily be signed by the chairman and the deputy chairman. Decisions are to be accompanied by the minority opinion. Each of the members of the VCC declares this vote “in favor” or “against” beside his signature.
3. In case the VCC fails to reach a decision, the case is sent immediately for examination to the ZEC or, as appropriate, the respective LGEC. The ZEC or, as appropriate, LGEC decides in conformity with article 38 or 44 of this Code.

## Article 48

### **Voting Materials**

1. The CEC provides the ZECs and the LGECs with the materials necessary for each voting center no later than seven days before the date of the elections.
2. The ZECs, LGECs, and VCCs secure the election materials in a safe place, in accordance with CEC instructions.
3. No earlier than 48 hours and no later than 24 hours before the opening of the voting center, the ZEC or, as appropriate, LGEC, distributes the materials to the chairmen and secretaries of the VCCs.
4. One copy of the document showing receipt of the materials is kept with the official records of the voting center.

## CHAPTER V

### SPECIAL VCCs

## Article 49

### **The Composition and Responsibilities of Special VCCs**

In accordance with this Code and the instructions of the CEC, a ZEC or, as appropriate, an LGEC, creates special VCCs in hospitals, prisons, places of pre-trial detention or dormitories. These commissions have the same composition and the same responsibilities as a VCC.

## PART FOUR

### **VOTER LISTS**

#### CHAPTER I

#### **VOTER LISTS, THEIR CONTENT, COMPILATION AND APPROVAL**

## Article 50

### **Registration of voters in Voter Lists**

1. Voter Lists are compiled according to the voting centers that are included in local government units. For every voting center of a local government unit, the following are registered in the voter lists:
  - a) Voters who have their domicile in the polling unit of a local government unit;
  - b) Voters with residence in the polling unit of the respective local government unit, on the condition that they have been registered as such in the civil status offices, as well as those who certify their residence in the respective polling unit during the voter list review process.
2. Voters are registered only in one voter list. Resident voters are registered in the voter list only after having been de-registered from the voter list in their place of domicile.

## Article 51

### **Bodies that compile and approve the lists**

1. The civil status offices compile the Voter Lists according to the documentation possessed in the fundamental registers of civil status and in the registry of the citizens with residence in the respective polling unit.
2. The mayor and secretary of the municipality, municipal unit, or commune are responsible for the compilation of the lists, according to the provisions of this Code and sign them as well as verify the accuracy of the data and the of the compilation of the lists in compliance with the provisions of the Code and the sub-statutory acts based on it and implementing it, and forward it for administration to the respective LGEC.
3. Possible revision of the voter list is made only by the bodies that compile and approve the voter list.

## Article 52

### **Content of the voter list**

1. A voter list is compiled for each voting center.
2. A voter list shall indicate the local government unit, the number of the electoral zone, type and date of the elections or referenda, number of the voting center as well as the organ that has compiled and approved the voter list.
3. The voter list shall indicate for every voter: the ordinal number in the voter list of the respective voting center, the name, patronymic, surname, date of birth, identity number of the voter as well as an indication whether the voter has been registered at his domicile or his residence.

## Article 53

### **The role of the CEC in the administration of the voter lists**

1. The CEC drafts the sub-statutory acts for the implementation of the provisions of this Code concerning the preparation of the voter lists and the National Registry of Voters.
2. The CEC supervises the activity of local government organs and of LGECs during the process of the compilation, approval and publication of the voter lists.

#### Article 54

### **National Registry of Voters**

The National Registry of Voters is composed of the voter lists of all municipalities and communes. The National Registry of Voters is kept at the Central Election Commission and administered by it.

## CHAPTER II

### THE PROCESS OF COMPILATION AND REVIEW OF THE LISTS

#### Article 55

### **Preliminary Voter Lists**

1. No later than six months before the end of the mandate of the organs for which the elections are being held, the civil status offices commence work on the compilation of the preliminary voter lists. The civil status offices compile the voter lists based on the documentation available in the fundamental registers of civil status as well as the registry of citizens with residence in the respective electoral unit, documented as such until five months before the end of the mandate. This information is sent to the National Registry of Civil Status and the National Registry of Voters no later than four months before the date of the end of the mandate of the Assembly, or, as appropriate, the municipal or communal council.
2. The National Registry of Voters processes the information within two weeks and documents all the possible duplications of the voters registered in the same or different local units and requests the municipalities and communes to de-register those voters who are registered according to their residence from the voter list of their domicile.
3. Within one week, municipalities, municipal units and communes shall take the decision to remove from the lists those voters who are registered in the voter lists of their residence. The mayor and secretary of the municipality or commune approve and sign the preliminary voter list.
4. The preliminary voter lists shall be administered within three days by the respective LGEC and posted in every voting center.

## Article 56

### **Notification of voters**

Upon posting the preliminary voter lists and final voter lists, the respective LGEC, in cooperation with the municipality and commune, organizes the notification of every voter about the voting center, its location and their ordinal number in the voter list of their voting center.

## Article 57

### **Revision of Preliminary Lists**

Upon the posting of the voter lists, their revision process begins, lasting until three weeks before the election date. The revision process of the preliminary lists is a process conducted under the responsibility of those who have compiled the preliminary lists.

During the revision process:

1. The verification of voters for reasons provided by article 58 of this Code is conducted. A particular decision is taken for each case, and in case a decision is taken to remove a voter from the voter list, that decision is immediately posted.
2. Each voter has the right to request corrections in the voter lists in the cases provided by article 58 of this Code. The request is to be submitted to the LGEC and contains the fact for which the change in the list is requested, the documents that prove this fact, the name, patronymic, surname, date of birth and identity number of the voter, according to the form approved by the CEC. The LGEC decides upon this request no later than 7 days from its submission. For voters who have their domicile in other local government units, the decision is made after the voter is de-registered from the voter list of the voting center of his domicile.
3. During the revision process, municipalities, municipal units and communes communicate every week regarding the continuous activities of the revision process directly among themselves as well as with the National Registry of Voters.
4. In conformity with the acts of the CEC, the LGECs, in cooperation with municipalities and communes, set up verification and reception structures to deal with the revision process and guarantee the accuracy of the voter lists.
5. Requests for the revision of preliminary voter lists may be submitted no later than four weeks prior to the date of elections. At the end of this process, the preliminary voter lists, together with the decisions taken, shall be sent to the respective municipality, municipal unit or commune.
6. An appeal against an LGEC decision can be taken within 48 hours from its announcement, in the court of the judicial district where the LGEC is located. The court holds hearings with a judicial panel composed of three judges and makes a decision within two days. The decision of the district court is final.
7. After the deadlines contemplated by sections 5 and 6 of this article have expired, the preliminary voter lists, together with the decisions taken, are sent within 24 hours to the respective municipality, municipal unit, or commune.
8. After the close of the review process, the municipality, municipal unit or commune, on the basis of the decisions taken, prepares the final voter list and sends it signed by the mayor and the secretary of the respective local government unit within five days for approval to the respective LGEC.

9. Within three days, the LGEC verifies the documentation of the decisions made for changes in the final voter list, and after approving it, posts the respective voter list at each voting center.

## Article 58

### **Causes for changes in the preliminary lists**

1. The preliminary lists are amended when a voter:
  - a) dies
  - b) has lost the right to vote
  - c) is registered in more than one list
  - ç) has changed his domicile or residence
  - d) proves that his personal data are not correct
  - dh) is registered in the wrong voting center
  - e) is not included in the preliminary list of the voting center of his domicile.
2. In each case, the revision of the voter list is made upon a decision of the organ that has compiled the list, on the basis of the documentation that proves that the request or motive for the change is valid and also supported by law.
3. Requests for changes to the preliminary list can be submitted by political parties, electoral subjects and other interested institutions. In each case the requests have to be accompanied by the respective documentation. In the case of section 1 letters (ç), (d) and (dh), the requests of the above-mentioned subjects must be accompanied by the personal request of the voters.
4. The documentation related to the requests for changes, as well as the decisions on changes in the voter lists, are retained together with the voter lists.

## Article 59

### **The Posting of Final Lists**

1. After having been approved, the final lists are to be posted at every voting center no later than ten days before the date of the elections.
2. The final lists are to be prepared in 5 copies. Two copies are to be sent to each voting center, one of which is posted, one copy is to be left with the respective zonal commission, one copy is to be sent to the National Registry of Voters and another copy remains permanently with the civil status offices of the municipality or commune that has compiled the final list.

## Article 60

### **Making voter lists available to electoral subjects**

1. Voter lists are made available to electoral subjects, on the request of the latter, at the premises of bodies that have compiled and approved the Lists.

2. The political parties and coalitions registered at the CEC, on their request and upon payment, may take a copy of all voter lists from the National Registry of Voters as well.
3. The voter lists are to be made available to the above electoral subjects no later than three days from the date of the request.
4. The payment for the voter lists must cover only the administrative expenses for their reproduction.
5. Other ways of making the lists public may be provided by the municipalities and communes as well as by the Central Election Commission. They should aim for the easing of the revision process of the voter lists and the easing of difficulties for voters. The standards defined for the publication of lists must be respected by each municipality or commune.

#### Article 61

##### **Special voters**

1. Voters who take part in election commissions are allowed to vote in another center different from that where they have their domicile or residence, within the respective electoral unit. After being appointed to the electoral commissions, no later than two days prior to the election day, they are registered by the respective LGEC, while de-registering from the previous voter list.
2. The registration procedure in this case is defined through a separate act of the CEC.

#### Article 62

##### **Special Institutions**

1. For general referenda and elections, two days prior to the date of voting, the director of a special institution prepares a list of voters and delivers it to the ZEC.
2. For local referenda and elections, two days prior to the date of voting, the director of a special institution prepares a list of voters who are domiciled in the electoral unit where the institution is located and delivers it to the LGEC.

#### Article 63

##### **Voters in the Armed Forces and in the Police Forces**

1. Immediately after the setting of the date for elections to the Assembly, the Ministry of Defense and other competent central institutions, at the request of the CEC, instruct the commanding officers of the respective bases to prepare a list of voters who will be residing on that base on the date of the elections.
2. The list of voters who will be residing on the military or police base on the date of the elections is to be delivered to the ZEC no later than fifteen days after the date of the elections has been set.

3. The ZEC adds the list of voters residing on the base to the list of voters for the respective electoral unit. They are struck from the list of voters for their place of domicile in compliance with the procedures determined by the CEC.

#### Article 64

##### **Students**

Students have the right to vote in their place of residence in accordance with sub-statutory acts of the CEC. The CEC takes measures so that students are not registered in more than one voter list.

#### PART FIVE

#### **ELECTION SYSTEM**

#### CHAPTER I

#### ELECTION SYSTEM FOR THE ASSEMBLY

#### Article 65

##### **Composition of the Assembly**

The Assembly of the Republic of Albania is composed of 140 deputies, of whom 100 are elected directly by the voters in single-member electoral zones and 40 are elected according to the proportional percentage of the votes won by the multi-name lists of electoral subjects deposited with the CEC.

#### Article 66

##### **Election of Deputies in Single-Member Zones**

1. The candidate who wins the largest number of valid votes of the voters who have taken part in the voting in a single-member zone is considered elected the deputy of that zone to the Assembly.
2. When two or more candidates win an equal number of votes, a drawing of lots is organized to decide the winning candidate. The drawing is organized by the CEC, in a public session with the participation of the candidates. The rules of the drawing are determined by the CEC.

#### Article 67

##### **Allocation of supplemental mandates**

1. Forty supplemental seats are allocated to political parties and coalitions of parties, in accordance with the results only of the voting conducted on election day and according to the following rules:
  - a) Parties that win less than 2.5 percent and coalitions that win less than 4 percent of the valid votes in the whole country do not benefit from supplemental seats. In order to establish the percentage of a coalition that submits a composed multi-name list, the total number of valid votes of the coalition is determined by summing up the votes obtained separately by each party or coalition in the proportional voting section of the ballot paper.
  - b) The number of valid votes won by each party or coalition meeting the respective threshold is divided by the sum of valid votes they have obtained in the whole country, and the result is multiplied by 140. Each of these parties or coalitions is allocated initially a general number of seats equal to the whole number obtained by the above-mentioned calculation. The remaining seats are allocated to the subjects with the largest remainders. In case the remainders for the last seat are equal, lots are drawn.
  - c) In order to determine the number of supplemental seats to be allocated to each party or coalition, the number of seats won in single-member zones is deducted from the number of seats allocated to each party or coalition according to letter (b) of this article. If the difference is negative or zero, the respective party or coalition keeps only the seats won in single-member zones.
  - ç) Notwithstanding letter (b), if:
    - i) independent candidates are elected in one or more single-member zones;
    - ii) parties or coalitions that do not meet the respective threshold win seats in one or more single-member zones; or
    - iii) parties or coalitions that meet the respective threshold win more seats in single-member zones than they are entitled to on the basis of letter (b),then the following formula applies to the allocation of supplemental seats to parties or coalitions for which the difference according to letter (c) is positive:  
$$N = (A - B) [40 / (40 + C)]$$
where N is the number of supplemental seats gained by each party or coalition, A is the number of seats allocated to each party or coalition according to letter (b), B is the number of seats they won in single-member zones, and C is the total number of seats won according to points (i), (ii), and (iii) of this letter (in the case of point iii, only the excess is added). Each of these parties and coalitions is allocated initially as many seats as the whole number obtained by this calculation. The seats that remain are allocated to the subjects with the largest remainders, in descending order. In case the remainders for the last seat are equal, lots are drawn.
  - d) Deputies are elected from the multi-name lists of parties or party coalitions according to their respective order;
  - dh) If the number of candidates on a multi-name list of a political party or coalition is smaller than the number of seats to which that party or coalition is entitled according to this article, the unfilled seats are divided among the other parties and coalitions of parties that exceed the respective threshold in accordance with the following formula: The number of valid votes won by each of the above parties or coalitions is divided by the total of the valid votes won by them, and the result is multiplied by the number of unfilled seats. A number of supplemental seats equal to the whole number that results from the above calculation is initially allocated to each of these parties or coalitions. The seats that remain are allocated to the parties or coalitions with the largest decimal remainders. If the decimal remainders for the last seat are equal, lots are drawn.

## Article 68

### **Allocation of supplemental mandates to each coalition party**

After completing the calculations, according to article 67, of the number of supplemental mandates that the coalition wins, the allocation of the supplemental mandates for each coalition member party is carried out as follows:

- a) The number of the valid votes won by each coalition member party is divided by the sum of the valid votes obtained on the national level by the parties and coalitions that reach the respective threshold and the result is multiplied by 140. The result is multiplied by the ratio of the number of seats obtained by the coalition according to the calculations prescribed in article 67, to the number of seats that the coalition could win according to the calculation prescribed in article 67 section 1, letter (b). Each of the parties participating in a coalition is initially allocated a general number of seats equal to the whole number obtained by the calculation above. The remaining seats, up to the number of seats won by the coalition, are allocated to the participating parties with the largest decimal remainders. In case the remainders for the last mandate are equal, lots are drawn;
- b) In order to determine the number of supplemental seats obtained by each coalition party, the number of seats in single-member zone won by each of these parties is deducted from the number of seats allocated to the parties according to letter (a) of this article. If the difference is negative or zero, the respective party does not benefit from the allocation of supplemental mandates.
- c) If coalition member parties win more seats in single-member zones than they are entitled to on the basis of letter (a), then the allocation of the supplemental seats to coalition member parties for which the difference according to letter (b) is positive, is made according to the following formula:  
$$N = (A - B) K / D$$
where:  
N is the number of supplemental seats that the party receives; A is the number of seats allocated to the party according to letter (a); B is the number of seats won by them in single-member zones; K is the number of the supplemental seats the coalition receives according to article 67; D is the sum of the positive differences calculated according to letter (b);
- ç) Each of these parties is allocated initially a number of seats equal to the full number obtained through the above-mentioned calculation. The remaining seats, up to the completion of the number of seats allocated to the coalition during the allocation of the supplemental mandates, are allocated to these parties according to the largest decimal remainders. In case the remainders for the last seat are equal, lots are drawn.

## CHAPTER II

### ELECTORAL ZONES

## Article 69

### **Single-Member Electoral Zones**

1. For purposes of elections to the Assembly, the territory of the Republic of Albania is divided into 100 single-member electoral zones.
2. The boundaries of the electoral zones may not be changed during the last 6 months of the mandate of the Assembly.

#### Article 70

##### **Electoral Zone Boundary Commission**

1. Electoral zone boundaries are established by a law of the Assembly, based on the recommendations of the Electoral Zone Boundary Commission (the Commission).
2. The Electoral Zone Boundary Commission meets every five years, beginning on 1 December 2003, in order to review the division of electoral zones in accordance with the criteria set forth in this Code.
3. The Commission is composed of 9 members: the CEC secretary, who carries out the functions of the Commission Chairman, the Director of the Civil Status Office in the Ministry of Local Government and Decentralisation, the Director of the Centre for Geographical Studies, the Director of the Statistical Institute, the Chief Registrar of the Immovable Property Office, and four members, two of whom are appointed on the proposal of the main ruling party and two on the proposal of the main parliamentary opposition party. The members proposed by the parties collectively should have knowledge especially in the fields of statistics, geography, sociology and organization at the local level.
4. The chairman of the CEC calls the first meeting of the Commission, after which the Secretary of the CEC serves as Chairman of this Commission.
5. The CEC determines the budget and administrative support services for the Commission.

#### Article 71

##### **Procedures for Setting Electoral Zones**

1. Within three months of convening, the Commission drafts a preliminary report with initial recommendations regarding electoral zone boundaries. The preliminary report is made available to political parties, the press and any other interested party who requests a copy.
2. Beginning two weeks after the completion of the preliminary report, the Commission holds a series of open meetings at which political parties and other interested parties have the right to make statements regarding the contents of the preliminary report.
3. No later than one month after the beginning of the discussions stipulated in section 2, the final report of the Commission is submitted to the CEC, which makes its decision on the report when no fewer than five members vote in favor. After approval, the CEC sends the report on the designation of electoral zones, which is prepared in the form of a draft law, to the Speaker of the Assembly, who submits it to the Assembly for approval using his legislative initiative.

## Article 72

### **Commission Reports**

1. The preliminary and final reports of the Commission include the average number of voters for electoral zones, the number of voters in each zone along with the difference between these two numbers for each zone; a map of each electoral zone; a list of municipalities and communes included in each zone; and a written description of the boundaries of each electoral zone.
2. The final report also contains a summary of the statements made at open meetings together with the decisions of the Commission in connection with these.

## Article 73

### **Criteria for Establishing Electoral Zone Boundaries**

The division of electoral zones is made on the basis of the following criteria:

1. The number of the voters who have taken part in voting in each electoral unit in the most recent elections prior to the meeting of the Commission. No electoral zone is permitted to have greater or smaller deviation than 5 percent from the average number of the voters at a national level, except for cases required to implement section 7 of this article. The average number is calculated by dividing the total number of the voters who have participated in the elections by the number of electoral zones, of which there are 100.
2. The continuity of the electoral zone. No election zone is permitted to have discontinuity or intersection with other electoral zones.
3. The compactness of the electoral zone. No electoral zone is permitted to be interrupted by geographic barriers, or divisions which are due to demographic or historical development.
4. Economic links and common traditional interests.
5. Boundaries of regions.
6. Good communication possibilities within the electoral zone.
7. Indivisibility of the commune. When the number of the voters in a municipality is within the range of plus or minus 5 percent of the average number, this municipality should constitute an electoral zone.

## Article 74

### **Review of the Final Report**

1. The Assembly examines the final report of the Commission within two weeks of receiving it. The Assembly accepts the report and approves the law on electoral zones, including the recommendations of the final report, or refers it back to the Commission for reconsideration. The Assembly may not change the boundaries recommended by the Commission.
2. If the Assembly sends the report back for reconsideration, the Commission undertakes a review of its recommendations and submits a second report within 30 days. The Assembly examines the new report within 15 days.

## Article 75

### **Effective Date of New Zonal Boundaries**

1. The law on the electoral zones comes into effect on the effective date of the decree of the President of the Republic setting the date of the nearest elections, except if section 3 of this article applies.
2. Notwithstanding section 1 of this article, the CEC may exercise its functions according to the new boundaries contemplated in the law on electoral zones after the law comes into effect.
3. If the Assembly does not approve the law on electoral zones before the last six months of its mandate, the existing boundaries apply to the next parliamentary elections.
4. If the date of elections for the Assembly or the date of local government elections is announced after the boundary review has begun, the Commission continues its work but may not hold open meetings or make public the preliminary report until after the official declaration of election results has been made by the CEC.
5. In the period between the approval of the new law on electoral zones and new elections for the Assembly, partial elections are to be held according to the zones existing at the time of the last elections for the Assembly.

## CHAPTER III

### THE SYSTEM OF LOCAL ELECTIONS

## Article 76

### **The System of Local Elections**

1. The mayors of the municipalities or communes, as well as members of the councils of municipalities or communes, are elected by direct votes by the voters with a domicile in the territory of the municipality or commune.
2. The members of the councils of the municipalities and communes are elected on the basis of the multi-name lists submitted by political parties and coalitions, as well as on the basis of individual independent candidacies.
3. Political parties registered at the CEC have the right to submit joint candidates for mayor of a municipality or commune, as well as joint multi-name lists for local councils.

## Article 77

### **Election of Local Government Organs**

1. The candidate who obtains the largest number of valid votes of the voters of a local unit is elected mayor of the respective municipality or commune.

2. When two or more candidates obtain an equal number of votes, lots are drawn between the respective candidates. The drawing is organized by the CEC in a public session with the participation of the candidates. The rules of the drawing are determined by the CEC.
3. The seats on the local councils are allocated by the LGEC on the basis of the following proportional system:
  - a) The number of valid votes won by each independent candidate is divided by the total number of valid votes and multiplied by the number of seats of the council. If the result is equal to or higher than 1, the independent candidate wins a seat on the council.
  - b) The number of valid votes won by every party or coalition, as well as by every independent candidate who failed to obtain a seat according to this section of this article is divided by the sum of valid votes they have obtained, and the result is multiplied by the number of seats that remain after letter (a) of this article has been applied. Each of these electoral subjects wins a number of seats equal to the whole number obtained from the above-mentioned calculation. If for an independent candidate the result is one or greater than one, the independent candidate wins only one seat. The remaining seats are allocated to the electoral subjects with the largest decimal remainders. In case the remainders for the last seat are equal, lots are drawn;
  - c) The candidates of parties or coalitions are elected to the local councils according to the order of the respective multi-name list.
  - ç) In case the number of candidates on a multi-name list of a party or coalition is smaller than the number of seats to which that party or coalition is entitled according to this article, the unfilled seats are divided among the other parties and coalitions of parties that have submitted multi-name lists in accordance with the following formula:

The number of valid votes won by each of the above parties or coalitions is divided by the total of the valid votes won by them, and the result is multiplied by the number of unfilled seats. A number of additional seats equal to the whole number resulting from the above calculation is initially allocated to each of these parties or coalitions. The seats that remain are allocated to the parties or coalitions with the largest decimal remainders. If the decimal remainders for the last seat are equal, lots are drawn.

## PART SIX

### NOMINATION OF CANDIDATES

#### CHAPTER I

#### CANDIDATES TO BE VOTED ON DIRECTLY

##### Article 78

#### **Submission of the Candidate's Documents**

1. The documentation for the nomination of candidates for deputy, for mayor of a municipality or commune, or for the council of a municipality or commune is to be submitted respectively to the ZEC or the LGEC, as appropriate, no later than 32 days

before the date of the elections. The respective commissions verify the accuracy of the documentation submitted no later than 30 days before the date of the elections.

2. If the commissions notice discrepancies or irregularities in the nomination documentation before the end of the time limit for certifying it according to section 1 of this article, the commission gives the candidate the opportunity to correct the discrepancies or irregularities, setting a time limit for the resubmission of the documentation, but no later than 28 days before the date of the elections. The respective commissions make a decision within 24 hours on whether to accept or reject the re-submitted documentation.
3. No later than 4 months before the end of mandate of the Assembly or, as appropriate, the municipal or commune council, the CEC provides the nomination documents to be completed by the candidate along with the form for collecting signatures according to articles 80 and 81 of this Code.

## Article 79

### **Requirements for the Validity of Nomination Documents**

1. The nomination documents shall be in compliance with the requirements of this Code and in the form specified in the instructions of the CEC.
2. The nomination documents must contain the following data:
  - a) The name, patronymic, surname, date of birth and address of the candidate;
  - b) The declaration of the candidate that he is a qualified voter and an eligible candidate for the position for which he is running;
  - c) the name and address of a person named as his official agent, who shall be an eligible voter;
  - ç) a list signed by voters of the respective zone who support his candidacy, as provided in article 80 of this Code;
  - d) except in the case of independent candidates, a declaration from the party and/or coalition endorsing the candidate, signed by the chairman of the party as identified in articles 15 and 16 of this Code. In case the coalition is composed of parties that have decided to appear separately on the ballot paper, in addition to that of the coalition, the name of the coalition party that endorses the candidate also must be declared.

## Article 80

### **List of Voters who Support the Candidate**

1. For candidates for deputy, the nomination documents are to be accompanied by a list with the signatures of 300 voters who reside in that zone, the names of whom are on the preliminary voter lists of that electoral zone.
2. The candidates of political parties are exempt from the obligation contemplated in section 1 of this article, if a member of the respective party holds at least one seat in the Assembly. For the purposes of this Code, the political party presents a statement in writing signed by the elected person, stating that he is a member of the political party.
3. Independent candidates are exempt from the obligation contemplated in section 1 of this article if they hold seats in the Assembly.

## Article 81

### **List of Voters who Support a Candidate in Local Elections**

1. For candidates for mayor of a municipality or commune, the nomination documents are accompanied by the following documentation:
  - a) for electoral units with up to 5,000 voters, a list with the signatures of 50 voters registered in the preliminary voter lists;
  - b) for electoral units with between 5,000 and 30,000 voters, a list with the signatures of 100 voters registered in the preliminary voter lists;
  - c) for electoral units with more than 30,000 voters, a list with the signatures of 300 voters registered in the preliminary voter lists.
2. The multi-name lists of candidates of political parties for the municipal or communal councils must, in addition to the documents contemplated in article 79, section 2, letters (a) and (b) of this Code, for each candidate, be supported by:
  - a) for electoral units with up to 5,000 voters, a list with the signatures of 50 voters registered in the preliminary voter lists;
  - b) for electoral units with between 5,000 and 30,000 voters, a list with the signatures of 100 voters registered in the preliminary voter lists;
  - c) for electoral units with more than 30,000 voters, a list with the signatures of 300 voters registered in the preliminary voter lists.
3. The candidates of political parties are exempt from the obligation contemplated in section 1 of this article, if at least a member of the respective party holds a seat in the Assembly or the council for which the party is running in the elections. For the purposes of this code, the political party is to present a statement in writing, signed by the elected person, declaring that he is a member of the political party.
4. Independent candidates are exempt from the obligation contemplated in section 1 of this article if they are mayors of municipalities or communes or hold seats in the Assembly, or on the council.
5. Political parties are exempt from the obligation contemplated in section 2 of this article, if at least one member of the respective party holds a seat in the Assembly or the council for which the party is running in the elections. For the purposes of this code, the political party is to present a statement in writing, signed by the elected person, declaring that he is a member of that party.

## Article 82

### **Substitution of a Candidate**

1. A candidate may withdraw his candidacy within 24 hours of the verification performed by the commission. A candidate who withdraws after the certification made by the commission may not be replaced by the political party he represents.
2. If a registered candidate dies before the date of the elections, then the elections in that zone are postponed for four weeks. In this case the CEC sets another date for nomination of a replacement candidacy.

3. Immediately after the deadline for the withdrawal of a candidacy, the respective election commission carries out these duties:
  - a) it forwards a final list of certified candidates to the CEC;
  - b) it publishes in newspapers, posters and electronic media within the jurisdiction of the electoral unit the names and political affiliation of all candidates in the order they appear on the ballot, in the manner and at the time required by the CEC.
4. In the case of elections for the Assembly or for mayor of a municipality or commune, the ZEC or LGEC, as appropriate, publishes the name and address of the official representative of the candidate.

#### Article 83

#### **Representative of the Candidate**

1. Within 48 hours from the certification of their nomination documentation, each candidate shall give the name of his representative to the CEC. The representatives of the candidates at the VCCs are accredited by the ZEC or, as appropriate, LGEC. The designation of representatives is not obligatory.
2. During the conduct of the voting, the representatives of the candidates keep their identification document in a visible place. They may not wear clothes or symbols or perform actions that have the purpose or possibility of influencing the will of the voters.
3. The representative of a candidate may be substituted by the candidate or his official agent, but not during the last 24 hours before the close of the voting and during the counting of votes in the voting center.

### CHAPTER II

#### MULTI-NAME LISTS OF CANDIDATES FOR ELECTIONS TO THE ASSEMBLY

#### Article 84

#### **Submission of the Lists**

1. Political parties registered as electoral subjects submit to the CEC a list of candidates for the 40 seats in the Assembly within the time period provided for in article 78 of this Code. This list must be supported by the signatures of 7000 voters registered in the preliminary voter lists. Political parties are exempted from the obligation for signatures contemplated in this article of the Code, if at least one member of the respective party holds a seat in the Assembly. For the purposes of this Code, the political party submits at least one written statement signed by the elected person, declaring that he is a member of the political party.
2. Coalitions of political parties registered with the CEC may submit a multi-name list of candidates. When the coalition is composed of parties that have decided to appear separately on the ballot paper, it submits a composed multi-name list, which comprises individual lists of the coalition member parties, whereas, when the coalition runs as a single subject, it submits a joint multi-name list. The list must be supported by the signatures of 10,000 voters registered in the preliminary voter lists. The coalition is exempted from the obligation for signatures contemplated in this article of the Code, if its

member parties hold jointly in the Assembly no fewer seats than the number of member parties. For the purposes of this Code, the coalition submits written statements signed by the elected persons, declaring that they are members of the political parties in the coalition.

3. The order of the candidates on the list is determined by the electoral subject that submits it. In the case of death, resignation or the loss of the right to be a list candidate according to this Code, the candidates listed below move up one place.
4. When there is an agreement of the electoral subject on the final ranking of multi-name list candidates, it is deposited together with the multi-name list. The agreement is implemented directly by the CEC when it contains:
  - a) the formula for defining the final ranking of multi-name list candidates.
  - b) the agreement shall be signed by the chairman of the party or, as appropriate, by the chairmen of the coalition member parties.
5. The lists are to be signed by the chairman of the party or, as appropriate, by the chairmen of the parties of the coalition. The list is accompanied by a declaration signed by each candidate stating that he is eligible to vote, desires to run and accepts the ranking in the list. The list must be accompanied for each candidate by the documentation contemplated by article 79, section 2, letters (a) and (b) of this Code.

#### Article 85

##### **Acceptance of the Lists**

When political parties or coalitions submit a list of fewer than 20 candidates, the list is not accepted by the CEC. If the individual lists of the parties of a coalition presenting a composed list have fewer than 10 candidates each, the composed multi-name list is not accepted by the CEC.

#### Article 86

##### **Verification of Lists by the CEC**

1. The CEC certifies the regularity of multi-name lists according to the time periods and procedures contemplated in article 78 of this Code for the certification of direct candidates.
2. After certification of the multi-name lists, the CEC publishes them in the three newspapers with the largest national circulation and in the electronic media and sends a copy of the list to the ZECs, which publish them in the local media and post them in public places in their zone according to the instructions received from the CEC.
3. The names on the multi-name lists that have been certified may not be changed.

### CHAPTER III

#### MULTI-NAME LISTS OF CANDIDATES FOR THE ORGANS OF LOCAL GOVERNMENT

#### Article 87

### **Conditions for Validity of the Lists**

1. For the nomination of candidates for the members of the councils of municipalities and communes, registered political parties submit a list of candidates to the LGEC according to these conditions:
  - a) Within the same time period for submissions of candidacies for mayor of the municipality and commune, they forward to the LGEC a list of candidates according to the form prepared by the CEC.
  - b) Every candidate on the list declares that he accepts his nomination to the respective electoral subject.
  - c) The list is signed by the chairman of the party or a person authorized by him to endorse candidates.
2. If a list candidate dies, the candidate listed below moves up.

Article 88

### **Non-acceptance of the Lists**

1. An LGEC does not accept a list of candidates when the number of candidates on the list is less than half of the number of council members.
2. The ordering of the candidates on the list is set by the electoral subject that submits it.

Article 89

### **Certification and Publication of the Lists**

The LGEC certifies the lists submitted by the parties. After the certification, the LGEC publishes the lists in the local press and media and announces them in the territory of the municipality or commune and immediately forwards a copy to the CEC.

## **PART SEVEN**

### **VOTING PROCEDURES**

#### **CHAPTER I**

#### **BALLOT PAPERS**

Article 90

### **Preparation and Form of Ballot Papers**

1. The ballots for elections are prepared by the CEC. The ballot shall not be transparent and shall contain security elements specified by the CEC.
2. The ballots are produced in blocks with stubs. The serial number is noted only on the stub.
3. For elections to the Assembly, the voter votes with a ballot paper divided into two sections of different colors, one section for the candidates who are competing directly in

the zone and the other for the political parties and coalitions that are competing in those elections. The part of the ballot paper for political parties and coalitions is the same for all electoral zones.

4. For elections for the local government organs, the ballot paper is divided into two sections of colors different from each other. In one section, one votes for candidates to the municipal or communal council and in the other, for candidates for mayor of the municipality or commune.
5. For elections for the local government of the capital, two ballot papers are used, one for the mayor and the municipal council of Tirana, and the other for the municipal units. The format of the ballot papers is designed according to section 4 of this article.

#### Article 91

##### **The Form of the Ballot Paper**

1. The ballot is printed according to the model prepared by the CEC. The back of the ballot has a place for putting the signature of the chairman and the vice chairman and the seal of the VCC.
2. Failure to sign the ballot by one of the subjects indicated in section 1 of this article does not constitute a reason not to begin the voting procedures.

#### Article 92

##### **Content of the ballot paper**

1. The names of candidates for deputy, or mayor of a municipality or commune, are placed on the ballot according to the alphabetical order of their name.
2. The following are written on the ballot paper:
  - a) the name, patronymic, and surname of the candidate as it appears on the nomination documentation;
  - b) the name and initials of the party and/or coalition the candidate represents, or the word "independent," is written below the candidate's name.
3. The names of registered political parties or coalitions are placed on the ballot section for political parties or coalitions together with their initial letters as well as the initial letters of the name and the surname of the chairman of the political party, or the chairmen of the coalition member parties. When the participating parties of a coalition have decided to appear separately on the ballot paper, the name of the coalition is written first, followed by the name of the member party in the coalition. They are placed on the ballot paper grouped together one after the other. The order on the ballot paper is determined by alphabetical order, according to the name of the party or coalition. The order on the ballot for the member parties in a coalition which appear separately on the ballot paper is determined by the alphabetical order of their name.
4. The voter marks in the special place at the side of the name of the candidate or party or coalition, one of the signs "x" or "+" or another mark that clearly indicates the choice of the voter.

#### Article 93

## **Sending Ballots and Other Materials**

1. The CEC forwards the necessary number of ballots, seals, poll records and other voting materials to the ZECs or, as appropriate, LGECs, no later than three days before the date of the elections.
2. The ZEC or, as appropriate, LGEC, sends the necessary number of ballots and other voting materials to the VCCs no later than 12 hours before the opening of voting.
3. Ballots are printed on the basis of the total number of voters, plus two per cent.
4. The CEC specifies the additional number of ballots that are sent to the voting centers.

## **CHAPTER II**

### **VOTING CENTERS AND POLLING UNITS**

#### **Article 94**

#### **Establishing a Polling Unit**

1. A polling unit may not be divided into parts that are separated from one another.
2. As much as possible, a polling unit should have no more than 1,000 voters. If it is found that a polling unit has more than 1,000 voters, the LGEC or, as appropriate, ZEC, may establish more than one voting center for that zone.
3. When a residential center is more than three kilometers away from the closest voting center, a separate voting center is set up in that residential center, if it has at least 50 voters.
4. A polling unit is established by the ZEC or the LGEC but, as much as possible, the ZEC should keep the polling unit boundaries established by the LGEC in its zone.

#### **Article 95**

#### **Location of the Voting Center**

1. One or more voting centers are established in each polling unit.
2. As much as possible, a voting center is located in a public building accessible to voters. A voting center may not be set up in:
  - a) a privately-owned building without the authorization of the CEC;
  - b) a building used by the public administration, except for educational and health care institutions;
  - c) buildings owned or occupied fully or partially by a political party or candidate or their close relatives.

#### **Article 96**

#### **Voting Centers in Special Locations**

1. When in a special institution there are at least 15 voters eligible to vote for the electoral unit where the institution is located, the ZEC or, as appropriate, LGEC, creates a voting center inside the institution for those persons.
2. In health institutions that have many wards, a separate voting center may be set up for each ward, if each of them has more than 15 voters.
3. Voters in military and police bases vote in the nearest ordinary voting center outside the base, as designated by the ZEC.
4. Students registered in the voter lists according to article 4 of this Code vote only in the polling unit where they have been added to the list.

### CHAPTER III

#### PROCEDURES FOR THE OPENING OF VOTING

##### Article 97

##### **Preliminary Actions**

1. One hour prior to the opening of the voting, the VCC, under the direction of its chairman and vice chairman and in the presence of the representatives of the electoral subjects and observers, performs these duties:
  - a) It arranges the tables, chairs and voting booths in such a manner as to assure the secrecy of the voting and the free and rapid movement of voters;
  - b) It removes any election propaganda that may be found within the voting center and within a range of 150 meters around it;
  - c) It posts instructions for voting at a suitable place within the voting center;
  - ç) It sets up other materials required by the CEC;
  - d) It checks all materials received;
  - dh) It shows the empty ballot box to the representatives of electoral subjects and seals it in the manner prescribed by the CEC.
2. All members of the VCC and representatives of the electoral subjects who are present sign the record of opening the voting center.

##### Article 98

##### **Opening the Polls and the Presence of Members**

1. After performance of the procedures provided in article 97 of this Code, the chairman of the VCC declares the voting open, but not before the time prescribed in article 8 of this Code.
2. The secretary of the VCC notes in the official records of the voting center the time of departure and return of any member who leaves the voting center.

### CHAPTER IV

#### PROCEDURES DURING VOTING

## Article 99

### **Number of Ballot Boxes**

1. In elections for the Assembly and in local government elections, one ballot box is set up in the voting center.  
In local government elections for the capital, two ballot boxes are set up, one for the mayor and the municipal council of Tirana and the other for the respective municipal unit.
2. For voting on a referendum, one ballot box is used for each issue upon which there is a vote.

## Article 100

### **Presentation of Voters in the Voting Center**

1. After entering the voting center, the voter states his name and presents to the VCC an identity document with a photograph issued by the civil status office or another identity document as determined by a CEC decision.
2. After verifying that the identity document is correct, the chairman strikes the name of the voter; the voter signs the voter list beside his name; the ballot paper is signed according to the rules provided in article 91 of this Code, and the secretary places the seal of the VCC on the back of the ballot and gives it to the voter.
3. If a voter is not provided with a ballot pursuant to point 2 of this article, the incident is recorded in the official record, detailing the name of the person, the identification number and any other relevant information.
4. If a representative of a candidate or a member of the VCC questions the identity of a voter who has been provided with a ballot, the incident is included in the official record detailing the person who made the objection, the reasons for the objection, the name and identification number of the voter and the reasons why the chairman of the VCC provided that person with a ballot.
5. After the voter takes the ballot paper, he is marked on the left hand with a special ink by one of the VCC members, in order to avoid persons voting more than once.
6. When a voter, who is not registered in the final voter list but has obtained a court decision recognizing his right to vote in that polling unit, appears before the VCC, then the commission registers the voter with a special number in a special register. Procedures and manners of registration of these voters are established by a CEC instruction.

## Article 101

### **Voting**

1. On receipt of the ballot, the voter proceeds to the closed voting booth and votes by marking the ballot in the space provided for.
2. After voting in the closed voting booth, the voter folds the ballot so that his mark cannot be seen and leaves the voting booth.
3. The voter then deposits the ballot into the ballot box and leaves the voting center.
4. With the exception of article 103 of this Code, a voter votes only on his own behalf.

## Article 102

### **Spoiled Ballots**

1. If a ballot is marked outside the voting booth, the ballot is placed not in the ballot box but in the envelope for spoiled ballots. In this case, the voter is given another ballot and the incident is recorded in the official record. If the voter again marks the ballot outside the voting booth, the ballot is again placed in the envelope for spoiled ballots and the voter is not given another ballot.
2. If a voter marks or damages the ballot accidentally and requests a second ballot, the ballot is considered spoiled and is placed in the envelope for spoiled ballots and the voter is provided with a second ballot. This incident is recorded in the official record. A voter who damages the second ballot is not given another ballot paper.
3. Spoiled ballots are in no event placed in the ballot box.

## Article 103

### **A Voter who Cannot Vote Himself**

1. A voter who, for physical reasons, is unable to complete the voting procedures himself, may request the help of a family member or another voter who is on the list of voters for that polling unit. Both voters must be present in the voting center when this procedure is used.
2. A person may help only one voter who cannot vote himself.
3. Before marking the ballot, a person who assists another voter makes a declaration in the official record that he will vote as instructed, will not influence the voter's decision, will not make public the vote and has not assisted any other voter.
4. Members of the election commissions may not help voters who are unable to vote themselves.
5. The mark on the ballot must be made in the closed voting booth.
6. The voters contemplated in section 1 of this article have the right to request of the LGEC their registration as voters who cannot vote themselves. The request for registration shall be accompanied by official documentation that proves the type and category of disability. The LGEC puts an indication beside the voter's name on the voter list of the voting center.
7. When establishing the voting centers, the ZEC or the LGEC must take into consideration cases of obstacles for voters who cannot vote themselves.
8. In every case when there are voters registered according to section 6 of this article, who have difficulties accessing the environment of a voting center, the determination of the voting center and its organization are made in a manner that guarantees free access for this category of voters.
9. In voting centers where blind voters are registered, the VCC may be supplied with special voting devices, which allow the voters to read or understand the ballot paper and vote independently. The blind voter shall be informed by the VCC of the manner of voting with special voting devices and shall be supplied with them upon his request.

## Article 104

### **Keeping Order at the Voting Center**

1. When order and the orderly conduct of the voting are endangered at the voting center, the VCC suspends the voting and asks for the help of the police. The request is forwarded in written form and shall contain a short description of the reasons and circumstances. The request is signed by the chairman and the deputy chairman of the VCC.
2. The chairman or deputy chairman of the VCC immediately notifies the ZEC or LGEC about the incident that has happened.
3. When order is restored in the voting center, the VCC asks the police forces to leave the voting center and takes measures to begin the voting again immediately.

## Article 105

### **Persons Present in the Voting Center**

1. Only the following persons may stay in a voting center:
  - a) the members of the VCC and accredited representatives of electoral subjects;
  - b) voters waiting to vote;
  - c) accredited Albanian and foreign election observers.
2. If there are voters waiting to vote, the chairman of the VCC may decide that they wait outside the voting center in order to facilitate the voting of persons within the center.
3. Persons serving as an observer for a candidate (not accredited representatives to the voting center) may enter the voting center for the purposes of meeting with the accredited representative, but the meeting takes place outside the voting center.
4. No armed person, including police or members of the armed forces, may enter the voting center except in those circumstances provided in article 104 of this Code.

## Article 106

### **Voting in Special Institutions**

Voting in hospitals, prisons and places of pre-trial detention and dormitories is carried out according to the rules for voting centers contemplated in this Code and sub-statutory acts of the CEC.

## Article 107

### **Voters in the Armed Forces and Police Forces**

1. Voters who serve in the Armed Forces or Police Forces vote in elections to the Assembly and in national referenda in the electoral unit where their bases are located.
2. Voters who serve in the Armed Forces or Police Forces vote in local elections and in local referenda in the polling unit of their domicile.

## CHAPTER V

### THE CLOSING OF THE POLLS AND THE COUNTING OF VOTES

#### Article 108

##### **The closing of the Polls**

1. All voting centers close at the hour established in article 8 of this Code and in accordance with section 3 of article 8 of this Code.
2. After the last person has voted, only the following persons may remain in the voting center: Members of the VCC, one accredited representative for each candidate, one accredited representative for each registered political party that has presented a multi-name list but has not nominated a candidate for deputy or mayor of a municipality or commune, and accredited Albanian and foreign observers.

#### Article 109

##### **Counting the Votes**

1. After the closing of the polls, the chairman, together with the members of the VCC, performs these acts in the following order:
  - a) Determines the number of persons who have voted according to the list of voters and records that number in the official records of the voting center;
  - b) Determines the number of ballots used, as indicated by the consecutive number on the ballot stubs; determines the number of unused ballot papers and puts them into an envelope;
  - c) Counts the spoiled ballots found in the envelope for spoiled ballots and deducts that number from the number of ballots used and checks that the number of ballots used corresponds to the number of voters who voted according to the list;
  - ç) Ensures that the seal on the ballot box is the same seal that was placed on the box at the opening of the poll;
  - d) Opens the ballot box and removes all the ballots;
  - dh) Counts and examines the ballot papers evaluating:
    - i) the regularity of the ballot papers. The ballot paper is irregular when it does not have the same size, color or format as the ballot paper approved by the CEC, when the signatures contemplated by article 91 of this Code are missing; when part of the ballot bears signs that might disclose the identity of the voter, as well as notes in favor or against electoral subjects.
    - ii) examines and assesses the votes for candidates and for political parties or coalitions, if the ballot paper is regular, and registers them in the official records according to their affiliation.

The vote for a candidate is invalid when more than one candidate has been voted for, when none of the candidates has been voted for, when it is not clear who is voted for, or when a person who is not on the ballot has been voted for.

The vote for a political party or coalition is invalid when more than one party or coalition has been voted for, when no party or coalition has been voted for, when it is not clear which is voted for, or when a party or coalition that is not on the ballot has been voted for.

- e) When the chairman of the VCC declares a ballot paper as irregular or a vote as invalid and his determination is objected to by a member of the VCC or a representative of an electoral subject, the VCC votes and makes a decision on this issue. The chairman places a number on the back of the ballot and records the number in the official records, along with the nature of the problem and the reasons for the decision. Any other member or representative may also add his written comments to the official record. These ballot papers shall be put into the envelope of contested ballot papers.
- ë) After the count and registration of the votes, the valid and invalid ballot papers shall be put into separate envelopes.
- f) After counting the ballots, the chairman of the VCC completes the tabulation of results of the voting center and signs it together with all members of the VCC and the representatives of the electoral subjects who are present. All persons present, including Albanian and foreign observers, are provided with a copy of this tabulation. If a member of the VCC or a representatives who is present objects to the tabulation, the VCC votes and makes a decision on the issue. The chairman records the case in the official records, the nature of the problem and the reasons for the decision. The final tabulation reflects the decision. If any member or representative objects to the decision, he may add his comments to the official records.  
At the conclusion, the chairman completes the official minutes concerning public order in the voting center, which include data on the cases of the incidents that occurred and in VCC decisions, information on the number of police who have intervened, their commander and the duration of the incident. The minutes with the respective objections, if there are any, is signed by all members of the commission.
- g) The ballot papers sealed in their respective envelopes shall be placed in the ballot box. A copy of the tabulations is placed in a special envelope, which is not placed in the ballot box. The result is posted in a visible place at the voting center;
- gj) The original copies of tabulations, the official records, and the seal of the VCC, as well as the decisions of the VCC together with the minority opinion about the tabulation of results of the voting center and the validity of the ballots, the envelopes with the ballots, unused ballots and stubs, are put into the ballot box.
- h) Each ballot box is sealed and the identification number of the seal is recorded in the official records.
- i) The chairman, the deputy chairman and the secretary of the VCC deliver the ballot box and the envelope containing the official records to the LGEC or ZEC within 24 hours from the close of the polls, in the manner prescribed by the LGEC or ZEC. The LGEC or ZEC provides the chairman with a receipt.

## Article 110

### Declaration of Results

1. No later than two days after the date of the elections, the LGEC or the ZEC, in the presence of the commission members, representatives of the electoral subjects and accredited Albanian and foreign observers, performs the following tasks and declares the results of the elections:
    - a) The chairman of the commission ensures that each ballot box is accounted for;
    - b) The ballot boxes are opened one at a time, checking whether the seal is the same seal recorded in the official records and whether each of the boxes contains the original copy of the tabulations, the decisions of the VCC together with the minority opinions about the tabulation of results of the voting center and the validity of the ballots, the envelopes with the ballots, as well as the stubs. The original copy of the tabulation is removed from the box.
    - c) Each member of the commission may examine the official records.
    - ç) Ballots may not be examined, removed from the box or counted, except in the cases contemplated in articles 111 and 157 of this Code;
    - d) The ballot box is closed and sealed again, leaving aside the original tabulation of results. The number of the seal is recorded in the official records of the commission.
    - dh) Any irregularity found in the ballot box is noted in the official records.
  - e) After all original tabulations of results have been removed, the chairman of the commission completes the tabulation of results for the electoral unit and declares a person elected to the position of deputy or mayor of the municipality or commune for the electoral unit, the membership of the municipal or commune council, and the number of votes cast for multi-party lists.
  - ë) The chairman of the commission, along with the members of the commission and representatives of the electoral subjects who are present, sign the tabulation of results for the electoral unit. The chairman provides one copy each of the tabulation to all members of the commission, to the representatives present, to the candidates and to Albanian and foreign observers who are present. The original copy of the tabulation is forwarded to the CEC, while a copy is posted in a visible place within the voting center. If a recount of ballots is decided according to article 111, the original tabulation and all of its copies reflect this fact.
  - f) In case any member of the commission or representative present objects to the tabulation, the commission votes and takes a decision. The chairman records the nature of the problem and the reasons for the decision in the official records. The final tabulation reflects the decision taken. If a member or representative objects to the decision of the commission, he may add his comments to the official records.
  - g) At the conclusion, the chairman completes the official minutes on order, which include information on the activity of the police in the electoral territory, if any, and to the extent that respective actions have been contested, an evaluation of the reaction of the police, possible cases of incidents in the zone, information on the number of police forces that have intervened, their commanders and duration of incidents, as well as the decisions of the ZEC or, as appropriate, LGEC, related to them. The official minutes, with the respective objections, if any, is signed by all members of the commission.
2. All ballot boxes and records are retained by the LGEC or ZEC in accordance with the provisions of this Code.

3. Only those persons mentioned in section 1 of this article may be present during the procedures set forth in this article.

## CHAPTER VI

### RECOUNT OF BALLOT PAPERS

#### Article 111

##### **Criteria for the recount of ballot papers**

1. No later than 24 hours after the declaration of the result in the electoral unit, the interested subjects have the right to request a recount of the votes for candidates for deputy or for mayor of a municipality or commune, if the margin between the votes of the candidate who came first and the candidate who came second is smaller than the total number of invalid ballots rejected during the counting of the ballots, or if the above margin is 150 votes or less. The request is submitted to the chairman, deputy chairman or the secretary of the LGEC or ZEC.
2. The ZEC or LGEC organizes and begins the recount of the votes no later than 24 hours from the declaration of the decision on the recount.

#### Article 112

##### **Recount of Ballots**

1. A recount of ballots takes place in a public facility of sufficient size to accommodate the ballot boxes from all voting centers of the electoral unit, the members of the LGEC or ZEC, and any accredited representatives of candidates or parties who wish to attend.
2. Only one representative for each electoral subject may attend the recount of ballots.
3. One representative designated by the CEC must take part in the recount of ballots.
4. The secretary of the commission, or in his absence a member authorised by the chairman of the respective commission, brings all ballot boxes and official records of the election to the place of recount and assists the chairman and deputy chairman of the ZEC or LGEC in conducting the recount.
5. The recount of the ballots begins at 8<sup>00</sup> hours and continues without interruption until completed.
6. At the conclusion of the recount, the ZEC or LGEC, completes a tabulation of the recount of ballots in the form prescribed by the CEC and provide one copy each to the members of the respective commission, the representatives of the CEC, and each candidate or representative in attendance.
7. After the tabulation of the recount is complete, the LGEC or ZEC immediately declares the results of the election in the electoral unit.

#### Article 113

## Procedures for the Recount

1. At the time and place fixed for the recount, the Chairman and Deputy Chairman of the ZEC or LGEC:
  - a) check that all ballot boxes and records are put in a visible place;
  - b) begin the recount from voting center number 1 and continue in consecutive order with the recount of all ballots of all voting centers;
  - c) examine the ballot boxes one by one.
2. Before opening a ballot box, the chairman and deputy chairman check whether the seal on the ballot box is the same seal that is recorded in the official records of the LGEC or ZEC. If the seal is not the same, the box must not be opened.
3. After it is confirmed that the seal on the box is the same, the recount proceeds, in full view of all those present and in the following order:
  - a) The secretary opens the box and removes the official records, tabulations and seal of the VCC and checks that the materials are the proper documents for that voting center;
  - b) The secretary removes the envelopes containing the ballots counted at the voting center, the envelopes containing the invalid ballots and the envelopes containing the ballots spoiled during the voting, as well as unused ballots and stubs;
  - c) The chairman and the deputy chairman confirm the information in the tabulations regarding the the number of unused ballots, the last ballot stub number, the number of spoiled ballots and the number of contested ballots. The chairman and deputy chairman place those materials in the envelope designated for that purpose and enter that information on the recount official record;
  - ç) Without inspecting the ballots, the chairman and deputy chairman open the envelopes containing the ballots and place them in piles that correspond to the envelope from which they were removed. The ballots contained in each envelope are counted and the result is compared with the number recorded in the voting center tabulation. If there is a discrepancy, the number of ballots found in the envelope during the recount is considered the correct number;
  - d) After confirming the number of votes according to the tabulation of the voting center, the chairman and deputy chairman continue with the examination of all ballots, checking whether the ballot was sealed and signed according to article 91 of this Code, and they declare for whom the ballot has been marked. During the recount, the chairman and deputy chairman exercise the competencies of the VCC and may alter the decision of the VCC as recorded in the official records;
  - dh) During the examination of a ballot that was contested by one or more members of the VCC or one or more representatives, or was rejected by the VCC during the count, the chairman and deputy chairman examine all the objections and comments regarding that ballot paper as found in the official records. After making a decision regarding the ballot in question, the chairman and deputy chairman explain the respective reasons, which are recorded in the record of the recount proceedings;
  - e) After the examination of all ballots in the ballot box, the chairman and deputy chairman declare the results of the voting center and complete the recount official record for the voting center; they sign it, together with the secretary and place all materials back in the ballot box, together with a copy of the recount official record; they seal the ballot box, and begin the same procedure for the next voting center;
  - ë) Prior to sealing the ballot box according to letter “e” of this article, the chairman and deputy chairman allow representatives of the electoral subjects, the candidates and

- members of the electoral commission to examine the official records concerning the voting and take notes.
- f) Following the recount of all ballots for the entire electoral unit and the completion of the recount official record for each voting center, the chairman and deputy chairman complete the recount tabulation, a copy of which is provided to all persons present.
4. In all cases when the chairman and deputy chairman fail to make a decision, the decision is taken by a majority of votes of all members of the ZEC or LGEC, including the chairman and deputy chairman.
  5. The CEC drafts the forms that are used in this chapter.

#### Article 114

##### **Multi-Name Lists**

The ballots for multi-name lists are not recounted.

#### Article 115

##### **Decisions on the recount of ballot papers and the declaration of results**

Decisions taken during a recount of ballots are final, while the results announced can be appealed.

### CHAPTER VII

#### PROHIBITION OF THE USE OF SPECIAL FORCES AND STRUCTURES

#### Article 116

##### **The use of special forces and structures**

1. Commando forces and other forces of the army are prohibited from being used during the entire election period, except where the Minister of Public Order and Minister of Defense issue a written order when such forces are needed for the surveillance of objects of particular importance or for the replacement of police guard forces. A copy of the written order shall be provided to the CEC immediately upon its issue. The use of commando forces and other forces of the Army for the surveillance of objects related to the elections is prohibited.
2. During the entire electoral period, the armed forces are prohibited from conducting military exercises or maneuvers outside their bases or places of their deployment.
3. In all kinds of elections the use or participation of the employees or structures of the State Information Service is prohibited.

### PART EIGHT

## **INVALIDATION OF ELECTIONS**

### Article 117

#### **Invalidation of Elections**

1. The CEC declares the elections in voting centres, election units or the whole territory of Albania invalid if it notes that:
  - a) there have been violations of the law that have had an impact on the allocation of the seats in the Assembly or in the local councils, on the approval or rejection of a referendum, on the selection of the winning candidate in the elections for a commune or municipality;
  - b) there have been natural disasters of such proportions that they have obstructed the participation of the voters in the voting process and, for this reason, they have had an impact on the outcome of the vote;
  - c) the voting has not begun or has been suspended for more than six hours in succession,
2. The CEC decides on the invalidity of the elections after consultations with the relevant ZEC or LGEC.
3. Elections that are declared invalid in accordance with this article are to be repeated after no more than four weeks.
4. Every interested person, may appeal against a CEC decision to invalidate the elections in certain voting centers, election units, or in the whole territory of the Republic of Albania at a competent court, in accordance with this Code, no later than 10 days after the declaration of the decision by the CEC.

## PART NINE

### **REFERENDA**

#### CHAPTER I

#### GENERAL PRINCIPLES

### Article 118

#### **Meaning of Referendum**

1. A referendum is the direct exercise of popular sovereignty, through voting, for a specific issue or law, according to articles 108 section 4, 150, 151, 152 and 177 of the Constitution.
2. Voting on a referendum is performed according to the rules contemplated in this Code.
3. In a referendum, the alternative that has won the majority of the valid votes, but not less than one third of the number of voters registered in the National Registry of Voters, is considered the winner, unless otherwise provided in this chapter.

### Article 119

#### **Restrictions on the Exercise of the Right to a Referendum**

1. No constitutional or general referendum can be held on the date of elections for the Assembly or for the organs of local government.
2. No general or constitutional referendum can be held during the period between six months before the end of the mandate of an Assembly and three months after the first meeting of the new Assembly.
3. No local referendum can be held during the period between three months before the end of the mandate of the organs of local government and three months after the first meeting of the local councils.
4. When early elections for the Assembly are announced, the procedure for holding a general referendum is suspended until three months after the first meeting of the new Assembly.
5. When early local elections are announced in a local government unit, the procedure for holding a local referendum in that unit is suspended until three months after the beginning of the mandate of the local government organ.
6. In accordance with section 3 of article 152 of the Constitution, requests for a referendum that have not been fully processed in accordance with the provisions of this chapter by March 15 of the year, regardless of when made, are deferred until the following year.

#### Article 120

#### **Procedures for the Conduct of Referenda**

1. Constitutional and general referenda are administered by the CEC through the ZECs and, to the extent necessary or appropriate, in accordance with the procedures stipulated in this Code for the conduct of elections to the Assembly.
2. Local referenda are administered by the CEC through the LGECs and, to the extent necessary or appropriate, in accordance with the procedures stipulated in this Code for the conduct of local elections.
3. For referenda at the regional level, the CEC creates a regional election commission. The members of this commission are proposed by the Regional Council according to the rules contemplated in this Code for the composition of an LGEC.
4. When more than one referendum is held on the same date, the ballots for each referendum are of different colors.

#### Article 121

#### **Approval of Draft Laws Voted on in Referenda**

1. A draft law approved by referendum is promulgated by the President of the Republic and enters into force at least 15 days after publication in the Official Journal.
2. The repeal of a law or part of a law by referendum enters into force immediately upon the declaration of the result. On the reasoned request of the Council of Ministers, the Assembly may decide to postpone the repeal of the law or the part repealed, but not for more than 60 days.

## CHAPTER II

## SPECIFIC TYPES OF REFERENDA

### SECTION 1

## CONSTITUTIONAL REFERENDUM

### Article 122

#### **Types of Constitutional Referenda**

A constitutional referendum, in accordance with section 4 of article 177 of the Constitution, is conducted by a decision of two-thirds of all members of the Assembly that a proposed constitutional amendments be decided by direct popular vote. A constitutional referendum, in accordance with section 5 of article 177 of the Constitution, is one requested by one-fifth of the members of the Assembly to submit to popular vote a constitutional amendment approved by not less than two-thirds of all members of the Assembly.

### Article 123

#### **Initial Procedures**

1. Requests for a constitutional referendum to amend the Constitution contain the text of the draft law for the amendment to the Constitution.
2. Requests for a referendum in accordance with section 5 of article 177 of the Constitution are delivered to the General Secretary of the Assembly within 15 days of the approval of the constitutional amendment by the Assembly.
3. The General Secretary of the Assembly immediately sends the decision of the Assembly (or the request of one-fifth of the deputies, as the case may be) requesting a constitutional referendum to the Constitutional Court and the President of the Republic.

### Article 124

#### **Preliminary Examination by the Constitutional Court**

Within 60 days of receipt of the request, the Constitutional Court examines in advance the constitutionality of holding the constitutional referendum initiated according to section 4 or 5 of article 177 of the Constitution.

### Article 125

#### **Subsequent Procedures for a Constitutional Referendum**

1. When the Constitutional Court decides that the request for a constitutional referendum is in compliance with the Constitution or does not issue a decision within the time limit, the President of the Republic sets the date for holding the referendum in compliance with section 3 of article 152 of the Constitution.
2. In this case, the General Secretary of the Assembly notifies the CEC of the conduct of a constitutional referendum, and sends to it the text of the draft law that will be voted on in the referendum. The General Secretary of the Assembly publishes the text of the draft

law that will be voted on in the referendum in the three newspapers with the largest national circulation.

3. If the Constitutional Court decides that the request for the constitutional referendum is not consistent with the Constitution, the procedure for holding the referendum ceases. In the case of a request pursuant to section 5 of article 177 of the Constitution, the constitutional amendments previously approved by the Assembly are promulgated by the President of the Republic and become effective at least 15 days after their publication in the Official Journal.
4. Constitutional amendments submitted to referendum according to section 5 of article 177 of the Constitution are rejected if more than half of all voters registered in the National Registry of Voters vote against them. If the amendments are not rejected in the referendum, they are promulgated by the President of the Republic and become effective at least 15 days after their publication in the Official Journal.

## SECTION 2

### GENERAL REFERENDUM

#### Article 126

##### **Initiative for a General Referendum**

1. Fifty thousand voters registered in the National Registry of Voters have the right to a general referendum for the repeal of a law, or to request the President of the Republic to call a referendum on a matter of special importance, in compliance with section 1 of article 150 of the Constitution and the provisions of this Code.
2. A request to begin the procedures for a referendum is submitted to the CEC by a group of no fewer than 12 initiators who are voters registered in the National Registry of Voters.
3. A request to repeal part of a law may be made, but only if the remainder of the law is self-sufficient.
4. A request to begin the procedures for a referendum for the repeal of a law or part of a law contains:
  - a) the title, number and date of approval of the law that is sought to be repealed and, if only part of the law is sought to be repealed, the respective provisions; and
  - b) the reasons why the law or the particular provisions should be repealed.
5. A request to begin the procedures for a referendum on an issue of special importance describes clearly the issue set out, its importance and the position of the initiators in connection with the issue. The issue must be stated in a clear, complete, and unequivocal manner, and expressed in such a form that voters can answer "Yes" or "No."

#### Article 127

##### **Model Forms for Collecting Signatures**

1. Within 20 days of the submission of the request for a general referendum, the CEC provides the initiators, for payment, with forms for the collection of the signatures of 50,000 voters registered in the National Registry of Voters at the time of submission of the request. At the head of the form, the title of the law, the provisions sought to be repealed or the issue raised is printed.

2. Signatures in support of the request to hold a general referendum are deposited with the CEC during the period from 1 January to 30 November of each year.

#### Article 128

##### **Verification of the Request by the CEC**

1. The CEC verifies signatures and validity of voters' identification documents in accordance with sub-statutory acts issued by it.
2. The CEC decides whether to accept the request within 90 days from the day it is submitted, based only on the regularity of the submitted documentation. The decision is made known immediately to the interested persons. A decision not to accept the request must set out clearly the irregularities that led to non-acceptance.
3. Within five days from notification of the decision, the initiating group may declare to the CEC that it is ready to correct the irregularities that were found. In this case, the CEC sets a term of up to 30 days for the re-submission of the request. The CEC decides within 10 days whether to accept the re-submitted request and immediately notifies the initiators.

#### Article 129

##### **Examination of the Request by the Constitutional Court**

1. After determining that the requests are in order, the CEC brings the requests for a general referendum to the President of the Republic and the Constitutional Court, except for the cases contemplated in article 119 of this Code. At the same time, the CEC notifies the Speaker of the Assembly and the Prime Minister of the requests accepted.
2. The Constitutional Court decides on the constitutionality of the requests for a general referendum and whether they are formulated in accordance with sections 3 and 5 of article 126 within 60 days from the day of receipt of the requests from the CEC.
3. The President of the Republic decides whether or not to hold referenda on issues of special importance after the promulgation of a positive decision of the Constitutional Court or after the passage of the time period during which it should have issued the decision. If he decides that a referendum requested should not be held, he advises the CEC in writing of his reasons, which the CEC transmits to the initiators.

#### Article 130

##### **Setting the Date for a General Referendum**

The President of the Republic sets the voting date for general referenda in accordance with section 3 of article 152 of the Constitution.

#### Article 131

##### **Referenda on the Initiative of the Assembly**

When the Assembly decides on the holding of general referenda in accordance with section 2 of article 150 of the Constitution, the same procedures provided in this section for referenda

in accordance with section 1 of article 150 of the Constitution are followed, to the extent necessary or possible.

### SECTION 3

#### LOCAL REFERENDA

##### Article 132

#### **Initiative for a Local Referendum**

1. Ten percent of the voters registered in the voter list of a municipality, or 20,000 of them, whichever number is smaller, have the right to a local referendum on an issue of local governance in the respective municipality or commune.
2. A number of municipal or communal councils that represent no less than one-third of the population of a region have the right to request that a referendum be held on an issue of local governance at the regional level.
3. A referendum on the same issue cannot be repeated in the same unit of local government before three years have passed.
4. For holding a local referendum, the provisions contemplated for a general referendum in sections 2 and 5 of article 126, article 127 and section 2 of article 128 of this Code are applied, to the extent possible or necessary.

### PART TEN

#### **ELECTORAL CAMPAIGN AND THE MEDIA**

##### Article 133

#### **Period of the Electoral Campaign**

1. The electoral campaign starts 30 days before election date and ends 24 hours before the beginning of voting.

##### Article 134

#### **The Rights and Obligations of Electoral Subjects during the Campaign**

1. During the election campaign, every electoral subject has the right to make electoral propaganda in any lawful manner.
2. The results of electoral opinion polls may not be made public during the last 5 days before election day.
3. The publication of electoral opinion polls shall include the name of the pollster, the sponsor, the sample size, the margin of error, and the time period during which the poll was taken.
4. The conduct of electoral campaigns in de-politicized institutions is prohibited.
5. Propaganda for or against a candidate or other electoral subject by foreigners is prohibited.

## Article 135

### **Propaganda Materials**

The organs of local government designate in a fair and impartial manner public places for posting propaganda materials.

## Article 136

### **Electoral Campaign on Public Radio and Television**

1. During the electoral campaign, Public Radio and Television provides free air time for each registered political party and the CEC, which is allocated in accordance with the following rules:
  - a. A total of two hours are set aside for the CEC and allocated in accordance with its time requests. At least two-thirds of this time is to be between 18<sup>00</sup> and 22<sup>00</sup>.
  - b. The CEC allocates to the parliamentary parties that, in the last parliamentary elections, have obtained more than 20% of the seats in the parliament, equal airtime of not less than 30 minutes on Public Television and the same on Public Radio, whereas for the other parliamentary parties this airtime is not less than 15 minutes. The increase of the broadcasting time within a respective group increases proportionally the airtime at the disposal of the other group;
  - c. Each party not represented in the Assembly participating in elections is entitled to 10 minutes of air time on Public Television and 10 minutes of air time on Public Radio.
  - ç. The respective electoral subject must be clearly specified on any television or radio program or advertisement for purposes of electoral propaganda.
2. Public Radio and Television covers the electoral campaign through news or informative programming in compliance with the principles of impartiality, completeness, truthfulness, and pluralism of information set forth in articles 4, 36 and 41 of Law no. 8410, dated 30.9.1998, "On Public and Private Radio and Television in the Republic of Albania." The free air time allocated to political parties in accordance with section 1 of this article may not be allocated as part of news or informative programming.
3. Public Radio and Television may not prepare or broadcast paid political advertising.
4. During general referendum campaigns, Public Radio and Television put an equal number of minutes at the disposal of the political parties supporting either one of the alternatives, in an amount not to exceed three hours in total.

## Article 137

### **News broadcasts of Public Radio and Television**

1. During political airtime of news broadcasts, the Public Radio and Television Broadcaster must apply an equal time ratio for all parliamentary parties that in the previous parliamentary elections have obtained up to 20 percent of the seats in the Parliament. For those parties that have obtained more than 20 percent of the seats, the airtime, which is allocated equally, is doubled.
2. In case of violation of the ratio of coverage in favor of one political force or grouping, the Central Election Commission orders the reduction by the same measure of the airtime at

the disposal of that political force or grouping, or the compensation of other political forces and groupings with additional airtime, within 48 hours.

3. The airtime for covering government activities that are related to the electoral campaign is included in the airtime of the party to which the head of the institution which organizes the activity belongs.
4. For the coverage of the activities of the non-parliamentary parties, the Public Radio and Television Broadcaster applies professional criteria for news, under the condition that the airtime at their disposal be no greater than the time applied for the parliamentary parties.
5. Propaganda, political commentaries, or political statements by journalists of the Public Radio and Television Broadcaster is prohibited within the news editions.
6. In the case of violation of the requirements defined by this provision, the CEC according to the case and level of responsibility, fines the reporter who has prepared the report 15,000 Lek, the responsible editor 20,000 Lek, the News Director 30,000 Lek and the Director General 50,000 Lek.
7. This CEC decision constitutes an executive title and is implemented by the Finance Department of the Public Radio and Television Broadcaster. An appeal against the decision does not suspend its execution.

#### Article 138

##### **Free Air Time for the CEC**

In addition to the time provided under letter (a) of section 1 of article 132 of this Code, the CEC is provided with a total of 60 minutes of free time on public radio and 60 minutes of free time on public television for voter education each year. The allocation of free time is done in accordance with letter (a) of section 1 of article 136 of this Code.

#### Article 139

##### **Broadcasting Schedule**

1. No later than 30 days before the election date, the Steering Council of Public Radio and Television, based on the information on registered parties provided by the CEC, sets the time available for each party and, under the supervision of the CEC, organizes a lottery for the allocation of broadcast time to each registered party.
2. The broadcast time available to the political parties and independent candidates is between 18<sup>00</sup> and 22<sup>00</sup> each day of the electoral campaign, until 24 hours before the beginning of the voting.

#### Article 140

##### **The Electoral Campaign on Private Radio and Television Stations**

1. Private radio and television broadcasters cover the electoral campaign only during the normal and special news editions. Private radio and television broadcasters do not put airtime at the disposal of political subjects for covering their electoral campaign.
2. During normal and special news editions, private radio and television broadcasters must respect the following conditions:

- a) The political airtime of the news editions of private radio and television broadcasters is allocated according to the time segments established by article 137, section 1. In case of the violation of the ratio of coverage in favor of one political force or grouping, the CEC, on its own initiative or upon the proposal of ZECs or LGECs, fines a local radio/television broadcaster 1,000,000 Lek and a national broadcaster 2,500,000 Lek. The CEC decision constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. In the case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day;
  - b) Airtime for government activities that are related to the electoral campaign is included in the time of the political party to which the head of the institution that organizes the activity belongs;
  - c) In covering the activity of the non-parliamentary parties, private radio and television broadcasters apply professional criteria for news, with the condition that the time at their disposal be no greater than the time allocated to the parliamentary parties.
  - ç) Political propaganda, commentaries and statements are prohibited during news editions. In the case of violation, the CEC fines the local radio/television broadcaster 1,000,000 Lek and the national radio/television broadcaster 2,500,000 Lek. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. In the case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked no later than 18<sup>00</sup> hours of the following day.
3. Private radio and television broadcasters have the right to organize electoral debates between competing political forces or candidates. In the organization and holding of the debate, private radio and television broadcasters are obliged to keep the balance between political forces.

In case of violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day.

4. Private radio and television broadcasters may prepare and transmit paid political advertisements. In this case they are obliged to accept and transmit the advertisements in equal time ratio for all parliamentary parties that in the latest elections to the Assembly have obtained up to 20 percent of the seats in the Assembly. For the parties that have obtained more than 20 percent of the seats, the equally allocated airtime is doubled. The total airtime for transmitting political advertisements on private radio and television stations cannot exceed 30 minutes per day.

Spots for candidates are included in the airtime of the political subject they represent. Private radio and television broadcasters make available extra airtime for the advertisements of non-parliamentary parties and independent candidates, in addition to the airtime applied according to this section. The airtime for the advertisements of non-parliamentary parties and independent candidates must not exceed 10 percent of the airtime programmed and used for electoral advertisement. The same rates as for parliamentary parties are applied for spots of non-parliamentary parties and independent candidates. In case of violation, the CEC fines a local broadcaster 1,000,000 Lek and a national broadcaster 2,500,000 Lek.

The decision of CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. In case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day.

#### Article 141

##### **Violation of electoral blackout**

1. In accordance with article 133 of this Code, all kinds of electoral propaganda are prohibited in the press and electronic media during the last 24 hours before Election Day.
2. In case of violation of the electoral blackout the CEC fines the publisher or radio/television broadcaster 1,000,000 Lek. The fine is an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution.

#### Article 142

##### **Electoral campaign monitoring**

1. Ten days before the start of the electoral campaign, the CEC establishes the Media Monitoring Board, which has the task of monitoring the implementation of the provisions of this Code on the electoral campaign by public and private radio and television broadcasters. The Media Monitoring Board exercises its activity in the whole electoral territory. In order to perform the monitoring, the Board uses the NCRT's technical capacities. For local broadcasters that cannot be covered by monitoring tools of the National Council of Radio and Television, local monitors are appointed. Local monitors are placed at the ZEC or LGEC where the radio/television broadcaster to be monitored has its broadcasting station. No later than three months prior to the election date, the CEC and the NCRT sign a memorandum of understanding on the rules, modalities and time limits for the use of the technical capacities of the NCRT for the purposes of monitoring.
2. The Board reports daily to the CEC on the conclusions of monitoring for the previous day. Local monitors report to the ZEC or LGEC where they have been placed. A copy of the report, together with the opinion of the ZEC or LGEC, is sent immediately to the Media Monitoring Board and becomes a part of the daily report to the CEC.
3. Complaints of electoral subjects are examined alongside the report of the monitoring board.
4. The CEC makes the decision on the approval or rejection of the report and the application, as appropriate, of respective sanctions. The CEC decisions can be appealed in accordance with the procedures provided in this Code.
5. The Board cannot have more than 7 members. The composition, modalities of functioning and procedures to be followed by the Board are established by a decision of the CEC.
6. Public and private radio and television broadcasters are obliged to register all their transmissions during the electoral campaign period. These registrations are kept for a three-month period after the end of the elections and made available to the CEC immediately upon the request of the Commission.

## PART ELEVEN

### ELECTION FINANCING

#### Article 143

##### **Financing of Elections**

1. The state finances the holding of the elections according to articles 144 and 145 of this Code.
2. The CEC administers the funds designated for the conduct of the elections according to the rules contemplated in this Code.

#### Article 144

##### **Headquarters, Budget and Staffing of the CEC**

1. The headquarters of the CEC is in the capital of the Republic of Albania, Tirana.
2. The budget of the CEC constitutes a separate line in the state budget.
3. The CEC accepts donations that serve the electoral process, without infringing on its independence and authority.

#### Article 145

##### **Funds at the Disposal of the Political Parties**

1. In addition to funds provided to political parties under Law no. 8580, dated 17.2.2000, "On Political Parties," political parties that are registered with the CEC according to this Code are entitled to funds from the state budget for the conduct of elections.
2. The funds designated for the financing of the political parties participating in the election are set by the CEC within 30 days from their approval in the Assembly. The payments are made by the Ministry of Finance after official notification by the CEC about the manner of division of these funds.
3. The funds of the budget of the state for the financing of political parties in the elections are divided as follows:
  - a) 10 per cent of the amount is distributed equally among the political parties registered as participants in the elections;
  - b) 30 per cent of the amount is distributed in an equal manner among the parties that currently have deputies in the Assembly, or, as the case may be, members of the councils of the municipalities or communes;
  - c) 60 per cent of the amount is distributed among them in proportion to the number of votes won on a national scale in the last elections for the Assembly or in local elections.
4. After the conclusion of the elections, parties that fail to win more than 2.5 per cent of the votes must return the amounts distributed in advance according to letters (b) and (c) of section 3 of this article. All funds distributed according to letters (b) and (c) of section 3 of this article are re-distributed after the conclusion of the elections among the parties that

won more than 2.5 per cent of the votes, in accordance with the percentage of the votes won by each of them.

## PART TWELVE

### COMPLAINTS AND APPEALS

#### CHAPTER I

#### APPEALING THE DECISION OF THE ELECTION COMMISSIONS ADMINISTRATIVELY

##### Article 146

#### **Deadline for complaining to the CEC**

1. Except for decisions of the LGEC for the correction, amendment or completion of the preliminary voter lists contemplated in article 58, every electoral subject within the meaning of section 26 of article 2, has the right to appeal the decisions of the ZEC or LGEC to the CEC, within two days from the date the decision was taken.
2. The interested parties shall appeal to the Electoral College of the Court of Appeals of Tirana even in a case when the CEC takes no decision within the legal time limit regarding this case. The Election College reviews the merits of the case.

##### Article 147

#### **Modalities and Forms of Appeal against Decisions of a ZEC or LGEC**

1. Electoral appeals against decisions of a ZEC or, as the case may be, an LGEC contain the following elements:
  - a) the full name of the electoral subject making the appeal and his address;
  - b) reference to the decision being appealed;
  - c) a short description of the violation claimed, data on facts or circumstances and their source;
  - ç) the date and the signature of the appellant
2. The electoral subject may submit facts and arguments on which he bases his appeal;
3. The CEC makes a preliminary verification of the appeal within two days from its registration. In case of failure to meet the requirements of section 1 of this article, the CEC decides to return the appeal for completion by the appellant;
4. The appellant is to complete the appeal within 24 hours and re-submit it according to the procedure contemplated by article 148.

##### Article 148

#### **Registration of the Appeal by the CEC**

1. An electoral appeal against decisions of the ZEC or, as the case may be, the LGEC is deposited by the appellant or his representative in the offices of the CEC within 48 hours of the date the decision was announced.
2. The CEC creates and maintains a special register to record the electoral appeals. The register of electoral appeals is valid only for the elections in progress.
3. The register of electoral appeals contains:
  - a) the ordinal number of the appeal;
  - b) the date and hour the appeal was submitted;
  - c) the subject making the appeal;
  - ç) the object of the appeal;
  - d) the number and type of documents attached to the appeal.
4. After the annotations are made in the register, the subject appealing receives a verification from the CEC, which is evidence of the delivery and the receipt of the appeal.

#### Article 149

### **Preliminary Verification of the Appellate Complaint**

Immediately after the arrival and registration of the appeal, a member of the CEC designated by lottery makes a preliminary verification of the elements according to article 150 of this code and reports to the CEC no later than 24 hours from the moment the appeal was deposited. The rules for conducting the lottery are established by a CEC sub-statutory act.

#### Article 150

### **Object of the Preliminary Verification**

In taking a decision on whether or not to accept the appeal, the CEC verifies the following elements:

- a) the competency of the CEC to examine the appeal;
- b) the appellant's standing;
- c) whether the legal time periods for the appeal have been respected.

#### Article 151

### **Intermediate Decision**

1. If at the end of the process of preliminary verification, the appellate complaint is not accepted for the reasons provided in article 150, the CEC takes a decision within 24 hours to reject it in a public hearing, after hearing the rapporteur of the matter.
2. The CEC also takes a decision not to accept the appeal when a deficient appeal is not completed after the 24-hour deadline has expired.
3. A decision of acceptance by the CEC is announced publicly and indicates the day and hour of the examination of the case at a public session. The session of examination takes

place no earlier than 24 hours from the announcement of the decision to accept the appeal.

4. An appeal against a decision of the CEC to refuse an electoral appeal is taken to the Electoral College of the Court of Appeals of Tirana within 24 hours of the announcement of the decision. The decision of the Electoral College of the Court of Appeals of Tirana is final.

#### Article 152

### **Combining Electoral Appeals**

At the end of the process of preliminary verification, the CEC decides to combine appeals against decisions of the same ZEC or LGEC, when it considers that their joint examination facilitates the holding of the adjudication. A decision of the CEC to combine electoral appeals is final.

#### Article 153

### **Reviewing an Appellate Complaint**

1. The examination of a case before the CEC is done orally, but the parties present their explanations and claims about the case in writing.
2. During the examination of an electoral appeal, the CEC keeps minutes reflecting the explanations of the parties, the evidence received and its intermediate orders and decisions.

#### Article 154

### **Opening and Conducting the Session for the Examination of an Appellate Complaint**

1. On the day and at the hour designated, the parties or their representatives give notice of their presence to the secretariat specifically established for this purpose by the CEC.
2. Before the session begins, the administration of the CEC summons the parties or their representatives and invites them to take the designated places.
3. If one or both parties do not appear on the day and at the hour designated, the session is held regardless of their participation.

#### Article 155

### **Administrative Review**

1. The administrative review of the electoral appeal is held by the CEC in plenary session.
2. The Chairman of the CEC chairs the session.

## Article 156

### **Administration and Acceptance of Evidence**

1. The CEC permits the parties to prove the facts on which they base their requests and claims, submitting for examination only that evidence which is essential and related to the object of the adjudication.
2. The CEC begins by hearing the complaining party.

## Article 157

### **Review and Re-Evaluation**

1. During the examination of an electoral appeal, the CEC verifies the electoral documentation and re-evaluates the ballots when those acts are considered necessary by the CEC.
2. When during the review of an electoral appeal the CEC orders re-evaluation of contested ballots, the latter is done in the presence of the interested parties and of the public.

## Article 158

### **Collecting the Evidence**

The CEC has the right to clarify the object and the legal basis of the case under examination as well as to collect evidence on its own initiative.

## Article 159

### **Deadline for Taking a Decision**

1. The CEC takes a final decision on an electoral appeal within three days from the date the appeal is registered.
2. For those appeals that are returned by the CEC for completion, the time period begins from the day the completed appeal is handed over.

## Article 160

### **Taking of decisions by the CEC**

1. The decision of CEC is always in written form.
2. The decisions of CEC on electoral appeals have the following characteristics:
  - a) they are signed by the Chairman and Deputy Chairman of the CEC;
  - b) they are directed to the interested parties;
  - c) they explain the facts on the basis of which the decision was reached;
  - ç) they indicate the legal basis for the decision;

- d) the possibilities of the parties to appeal judicially and the time period for doing this are indicated;
- dh) they contain attached the minority opinion or alternative opinion signed by the members who support it.

#### Article 161

### **Types of Decisions of the CEC**

The CEC takes the following decisions on electoral appeals:

- a) it leaves the decision of ZEC or LGEC in effect;
- b) it amends the decision of ZEC or LGEC;
- c) it declares the elections invalid and decides to run them again according to article 117 of this Code.

## CHAPTER II

### JUDICIALLY APPEALING DECISIONS CONNECTED TO THE RESULTS OF ELECTIONS

#### Article 162

### **The Right to Appeal in Court**

1. An appeal to the Court of Appeals of Tirana may be taken by the electoral subjects against the decisions of the CEC, according to the deadlines contemplated in this Code.
2. The appeals are adjudicated by the Electoral College the Court of Appeals of Tirana.

#### Article 163

### **Composition of the Electoral College of the Court of Appeals of Tirana**

1. The Election College of the Court of Appeals of Tirana shall consist of eight judges selected by a lottery conducted by the High Council of Justice.
2. The names of all judges of all appellate courts of the Republic of Albania, with the exception of judges specified in article 165, shall be included in the lottery to be conducted by the High Council of Justice to select the eight judges who constitute the Electoral College of the Court of Appeals of Tirana.
3. The lottery to select the eight judges of the Electoral College of the Court of Appeals in Tirana shall be conducted no later than five days after the decree setting an election date. The High Council of Justice shall publicly announce, and print in at least three newspapers with the highest circulation no later than 24 hours after the issuing of the decree, the date, time, and location where the lottery will be conducted, and send to the two parliamentary parties of the majority and the two parliamentary parties in opposition which hold respectively the highest numbers of seats in the Assembly, the list of judges to be included in the lottery. The lottery shall be conducted in the presence of the public,

representatives of political parties, coalitions, and the media. The lottery shall be conducted by drawing the names of eight judges from a lottery box. Prior to the lottery, the persons who are present, shall be given the opportunity to inspect the lottery box and the names of judges that are placed in it. After the inspection, eight names shall be drawn from the lottery box. Each of the representatives of the two parliamentary parties of the majority and the two parliamentary parties in opposition holding respectively the highest numbers of seats in the Assembly, shall have the right to remove one name from the eight names drawn from the lottery box. No other parties have the right to challenge any names. The procedure of removal of names is secret. The request for removal contains only the name of the judge, without specifying any reason for removal. No later than one hour from the first drawing of lots, the High Council of Justice, after acknowledging the cases of removal, conducts a second drawing of names from the lottery box, in order to replace the names removed by the political party representatives. The remaining eight names shall constitute the Electoral College of the Court of Appeals in Tirana and are seconded in office by the High Council of Justice immediately after the lottery.

4. Within 24 hours of their selection by lottery, the eight judges of the Electoral College of the Court of Appeals in Tirana shall take an oath in the presence of the High Council of Justice and administered by the President of the Republic in a public ceremony. The oath shall be in the following form: **“I do solemnly swear that I will respect, defend, and obey the Constitution and laws of this country, I will respect the rights and freedoms of citizens, and I will fulfill my duties. I swear that I will discharge my duties to the best of my ability and in an impartial and fair manner, and without favoritism towards any person or party”**.
5. The first lottery for the establishment of the Electoral College of the Court of Appeals of Tirana is to be conducted according to the procedures defined by this article, upon the setting by decree of the elections for the local government organs of the year 2003. The term of office of the Electoral College resulting from this lottery will last until the setting by decree of the date of the next elections to the Assembly, for which a new lottery is held.
6. The Court of Appeals of Tirana shall provide sufficient working space, supplies, and personnel to the Electoral College to enable it to perform its duties in a timely and professional manner.

#### Article 164

##### **The term of office and summoning of the Electoral College**

1. The Electoral College of the Court of Appeals of Tirana exercises its functions during the whole duration of a legislature of the Assembly resulting from elections for which the lottery was held.
2. The inaugural meeting of the College is summoned immediately after the oath. The College remains summoned until the end of the adjudication of appeals or until the expiry of the deadlines for appeal for those elections.
3. The College is re-summoned by the Deputy Chairman of the High Council of Justice no later than 48 hours after the decree setting the date for partial elections to the Assembly, general or partial elections for local government organs, as well as for referenda. The College remains summoned until the end of the adjudication of appeals or until the expiry of the deadlines for appeal for those elections.

4. The College is re-summoned upon request of the Chairman of the Court of Appeals of Tirana, every time an appeal against a CEC decision is filed with this court outside the time-periods contemplated by sections 2 and 3 of this article.

#### Article 165

##### **Criteria for exclusion of judges from the lottery**

The following categories of judges are excluded from the lottery conducted according to article 163:

- a) judges appointed to office according to section 1 of article 20 of Law no. 8436, dated 28.12.1998 “On the organization of the judicial power in the Republic of Albania”;
- b) judges against whom criminal proceedings are underway;
- c) judges against whom there is a disciplinary measure in force;
- ç) judges against whom disciplinary proceedings are underway.

#### Article 166

##### **Invalidity of secondment**

1. The seconding of judges to the Electoral College is invalid if their inclusion in the lottery is made against the conditions contemplated by article 165.
2. The invalidity of the secondment constitutes grounds for the exclusion of the judge from the adjudication of electoral disputes.

#### Article 167

##### **Immunity of the judges of the Electoral College**

1. A judge of the Electoral College cannot be subject to disciplinary proceedings during the entire term for which the College is constituted.
2. During this period, judges of the Electoral College of the Court of Appeals of Tirana cannot be removed from the office of judge for reasons contemplated by section 5 of article 27 of Law no. 8436, dated 28.12.1998 “On the organization of the judicial power in the Republic of Albania”, as well as for professional insufficiency. They cannot be given the performance evaluation of “incapable”.

#### Article 168

##### **The Time Period for Appealing in Court**

1. Appeals under this Code are to be submitted to the Court of Appeals of Tirana, which transfers them to the Electoral College.
2. An appeal of the decisions of the CEC is to be made within two days from their announcement, with the exception of an appeal against a decision of the CEC which has as its object the invalidity of the elections.

## Article 169

### **Form and Content of the Appeal**

1. An appeal is submitted in writing and shall contain:
  - a) data on the identity of the appellant ;
  - b) a copy of the decision of the CEC;
  - c) a short description of the violation alleged;
  - ç) the facts and arguments on which the appellant bases the appeal.
2. If the appellant challenges any of the judges of the Electoral College of the Court of Appeals in Tirana, the challenge shall contain the specific reason why it is not suitable that a certain judge of the Electoral College adjudicates his appeal. If the appellant does not make the challenge at the moment of the submission of the appeal, then he loses the right to challenge any judge.
3. The appeal shall not be registered if it does not contain the data on the identity and the copy of the CEC decision

## Article 170

### **Registration of the Appeal**

1. After registration of the appeal, the chairman of the Court orders the electoral subjects and interested parties to be notified.
2. The interested party that has received the notification on the appeal has the right to submit his challenge to any of the judges of the Electoral College of the Court of Appeals of Tirana within two days from the receipt of the notification. The challenge shall contain the specific reason why it is not suitable that a certain judge of the Electoral College adjudicates his appeal. If the appellant does not make the challenge within two days from the receipt of the notification, than he loses the right to challenge any judge.

## Article 171

### **Procedure for Reviewing the Appeal**

1. In examining the complaint, the Electoral College applies the rules contemplated in the Code of Civil Procedure in the chapter on the adjudication of administrative disputes, except when it is contemplated otherwise in this Code.
2. The Electoral College judges appeals in a judicial panel consisting of five judges. The appeals shall be distributed among the judges according to the procedures of this Code.

At first, the eight judges of the Electoral College examine jointly the challenges submitted against any judges according to articles 169 and 170. The judge who is subject to the challenge is excluded from the adjudication of the appeal, if it is determined that he has any interest in the relevant case, or with any of the parties in the case, has formerly been an employer, employee, advisor, representative or attorney of any of the parties, if he has family relations with any of the parties, or if it is determined that he cannot perform his duty in an impartial and fair manner, and without favoring any of the parties.

All of the judges of the Electoral College decide jointly on the validity of the challenge against any of the judges.

#### Article 172

##### **The Rights of the Parties in the Hearing**

1. The parties in the review hearings of an appeal connected to the results of the elections have the rights contemplated in the Code of Civil Procedure, except when it is otherwise provided in this Code.
2. The absence of one party during the hearing does not constitute an impediment to the continuation of the adjudication of the appeal by the Electoral College except when the College decides otherwise.

#### Article 173

##### **The Time Period for Review of an Appeal by the Electoral College**

1. The Electoral College judges and decides on the appeals within seven days from the depositing of the appeal.
2. For the cases contemplated in section 4 of article 164, the Electoral College decides within one month from the deposit of the appeal.

#### Article 174

##### **Decision of the Electoral College**

1. At the conclusion of the hearings, the Electoral College may decide:
  - a) to leave the decision of the CEC in effect;
  - b) to amend the decision of the CEC;
  - c) to order the CEC to re-examine or re-evaluate the votes.
2. The decision of the Electoral College is final. No appeal or recourse against it can be made.

### PART THIRTEEN

#### **RESPONSIBILITIES AND SANCTIONS**

#### Article 175

##### **Responsibility of Persons Charged with the Administration of Elections**

The members of the election commissions and employees of the public administration in the service of these commissions have criminal and administrative liability according to the legislation in force for violations of the provisions of this Code.

## Article 176

### **Voting More Than Once**

Voting in the same elections more than once constitutes a criminal infraction and is punishable by fine or up to three months of imprisonment.

## Article 177

### **Abandoning of Duty by Members of Election Commissions**

Abandoning of duty, without lawful causes, by the members of the election commissions constitutes a criminal infraction, and is punishable by fine or imprisonment of between six months and two years.

## Article 178

### **Administrative Penalties**

1. A violation of the provisions of this Code by members of the election commissions or by persons charged with duties according to this Code, if it does not constitute a criminal offense, is punishable by a fine of between 3000 and 90,000 Lek.
2. Other violations of the provisions of this Code, when they do not constitute a criminal offense, are punishable by a fine of between 1000 and 2500 Lek.
3. Penalties for violations contemplated by this article are given by the CEC.

## Article 179

### **Sanctions for violations of the principles of the Code**

1. The violation of any one of the general principles specified in articles 3, 4 or 5 of this Code, in cases when these violations have not affected the election result, is an administrative offence and is punishable with a fine of between 100,000 and 500,000 Lek.
2. The amount of the fine is determined on basis of the following circumstances:
  - a) the risk posed by the violation to the organization and administration of future elections;
  - b) the fact whether the perpetrator of the offence has benefited from the violation materially or through the violation has affected the taking of a seat from a candidate, political party or coalition;
  - c) the duration and the range of actions that led to the commitment of the offence;
  - ç) the fact whether there have been efforts to hide the violation and the extent of these efforts;
  - d) the attitude of the perpetrator of the offence following its detection;
  - dh) the fact whether officials have taken part in the commitment of the offence or whether public resources have been used for it;
  - e) the fact whether the violation is a repetition;
  - ë) the fact whether it is has been committed in co-operation with others;
  - f) the potential risk to free, fair, democratic, and transparent elections.
3. The fine, in accordance with section 1 of this article, is applied by the CEC.

4. The violations, as specified in section 1 of this article, when they have had an impact on the election results, are a criminal offence and are punishable with imprisonment of six months to two years.

## PART FOURTEEN

### RETENTION OF RECORDS

#### Article 180

##### Retention of Records

1. No official records of a VCC, LGEC, ZEC or any other electoral commission may be destroyed without the prior consent of the CEC.
2. All records of a VCC or any other commission established by an LGEC or ZEC are given to the LGEC or ZEC in the manner and at the time established by the CEC.
3. The LGEC and ZEC retain one copy each of:
  - a) the documentation of candidates and political parties taking part in the election;
  - b) the list of names and addresses of all members of a VCC and other commissions;
  - c) the list of voting centers;
  - ç) the voters' lists for an electoral unit;
  - d) the names and addresses for all members of the LGEC or ZEC;
  - dh) the map of the electoral unit showing the boundaries of all polling units;
  - e) a written description of all electoral unit boundaries;
  - ë) the decree setting the date of the elections, official election notices issued by the LGEC or ZEC, the announcement of results for each voting center and the final declaration of results; and
  - f) a statement of the costs incurred for the administration of the elections.
4. The original documents referred to in section 3 of this article are forwarded to the CEC within three months of the declaration of the election results. The CEC retains one copy and within twelve months after the official declaration of the election results by the CEC, forwards the original documents to the Central State Archives in the manner required by it.
5. Immediately following the declaration of results by the LGEC or ZEC, the commission forwards to the CEC, in the manner directed by it, all sealed ballot boxes containing official records, the seal of the commissions, ballots used at the election as well as unused ballots.
6. On receipt of all ballot boxes and unused ballots, and after the time allotted for appeals pursuant to section 5 of article 113 of this Code, the CEC opens all ballot boxes, removes all official records, including tabulations and ballot account statements, and forwards them to the Central State Archives in the manner required by the archives. All ballots and ballot stubs then are destroyed by fire under the supervision of the CEC.

## PART FIFTEEN

### FINAL PROVISIONS

Article 181

**Temporary provisions for the 2003 local elections**

1. For the 2003 local elections, within 15 days from the entrance into force of this Code, the president of the Republic sets by decree the date of the elections during the period of 12 to 26 October 2003.
2. For the 2003 local elections, within 30 days from the entrance into force of this Code, the CEC is to specify the nomination documentation together with the forms for collecting signatures, in accordance with the provisions contemplated in this Code.

Article 182

**Repeals**

Law No. 8609, dated 8.5.2000, "Electoral Code of the Republic of Albania", amended by Law No. 8770, dated 3.5.2001, and any other provisions that conflict with this Code are repealed.

Article 183

**Effective Date**

This Code enters into force 15 days after its publication in the Official Journal.

**SPEAKER**  
**Servet Pëllumbi**